

SENATE.

SATURDAY, December 18, 1920.

(Legislative day of Thursday, December 16, 1920.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Hale	McNary	Smith, Ga.
Brandegee	Harris	Moses	Smith, S. C.
Capper	Harrison	Nelson	Smoot
Cott	Hefflin	Norris	Spencer
Culberson	Henderson	Nugent	Townsend
Curtis	Kenyon	Overman	Trammell
Dillingham	Keyes	Page	Wadsworth
Edge	King	Phipps	Walsh, Mass.
Elkins	Kirby	Pittman	Walsh, Mont.
Fernald	Knox	Polindexter	Warren
Fletcher	La Follette	Pomerene	Watson
France	Lenroot	Ransdell	Wolcott
Frelinghuysen	McCumber	Robinson	
Gerry	McKellar	Sheppard	
Gronna	McLean	Simmons	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is unavoidably absent because of serious illness in his family. He has a general pair with the junior Senator from Ohio [Mr. HARDING].

Mr. SMITH of South Carolina. I wish to announce the unavoidable absence of my colleague [Mr. DIAL].

Mr. NELSON. I desire to state that my colleague [Mr. KELLOGG] is detained by important business.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a schedule of useless papers devoid of historic value, accumulated in the files of the department, and asking for action toward their disposition, which was referred to a Committee on Disposition of Useless Papers in the Executive Departments, to be appointed by the Chair.

The VICE PRESIDENT appointed Mr. WALSH of Montana and Mr. FRANCE members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4526) to amend section 501 of the transportation act, 1920.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 1865. An act for the relief of the Baltimore Dry Docks & Shipbuilding Co., owner of a dry dock at Baltimore, Md.;
H. R. 7900. An act for the relief of Rudolph L. Desdunes;
H. R. 12887. An act establishing the liability of hotel proprietors and innkeepers in the District of Columbia; and
H. R. 13264. An act to provide for the award of a medal of merit to the personnel of the merchant marine of the United States of America.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHIPPS:

A bill (S. 4670) authorizing the President to appoint Thomas F. Long a lieutenant (senior grade) in the United States Navy (with accompanying papers); to the Committee on Naval Affairs.

By Mr. OVERMAN:

A bill (S. 4671) to prohibit immigration for a period of five years; to the Committee on Immigration.

A bill (S. 4672) to provide that the United States shall continue its aid to the States in the construction of rural post roads, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. WALSH of Massachusetts:

A bill (S. 4673) to reclassify laborers in the Post Office Department as post-office service clerks; to the Committee on Post Offices and Post Roads.

A bill (S. 4674) for the relief of the owner of the schooner *Mary Bradford Peirce*; to the Committee on Claims.

By Mr. FRELINGHUYSEN (by request):

A bill (S. 4675) to fix the metric system of weights and measures as the single standard for weights and measures; to the Committee on Standards, Weights, and Measures.

By Mr. PHIPPS:

A bill (S. 4676) to maintain the forest experiment station in the State of Colorado; to the Committee on Appropriations.

By Mr. SMOOT:

A bill (S. 4677) granting an increase of pension to Adolph Lochwitz (with accompanying papers); to the Committee on Pensions.

MILITARY STATUS OF DESERTERS.

Mr. MOSES submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 382) declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired, which was referred to the Committee on the Judiciary and ordered to be printed, as follows:

Provided, however, That nothing herein contained shall be construed as effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the selective-service law (act of Mar. 18, 1917) of any person who failed to comply with the provisions of said act.

CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF.

Mr. POMERENE submitted the following resolution (S. Res. 407), which was referred to the Committee on Printing:

Resolved, That the manuscript entitled "Proceedings of the twenty-second meeting of the convention of American Instructors of the Deaf, held at Mount Airy, Philadelphia, Pa., June 28 to July 3, 1920," transmitted to the Senate as provided for in an act approved January 26, 1897, be printed as a Senate document, with illustrations, and that 600 additional copies be printed and bound for the use of said convention.

DISCHARGE OF DISABLED EMERGENCY OFFICERS.

Mr. FLETCHER. I ask unanimous consent to have printed in the RECORD a very important letter from the War Department bearing on a subject in which a great many people are interested, the discharge of the emergency officers who are undergoing physical reconstruction in the Army hospitals. It is not a very long letter. I think it is a matter of very great importance, and I should like to have it printed in the RECORD.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, December 14, 1920.

Hon. DUNCAN U. FLETCHER.

United States Senate, Washington, D. C.

MY DEAR SENATOR: The Surgeon General has requested me to acknowledge your letter of December 13, with inclosure from Capt. William H. Maxwell with reference to the discharge of emergency officers who are undergoing physical reconstruction in the Army hospitals. This question has constantly been one of the deepest concern to the medical officers of the Army, and the policy of this office has been to interpret most liberally any legislation or instructions regarding this matter.

The legislation under which the discharge of these officers from the military service is effected at present provides as follows:

"The President is authorized and directed to retain in service disabled emergency officers until their treatment for physical reconstruction has reached a point where they will not be further benefited by retention in a military hospital or in the military service."

It is the opinion of this office, which opinion is concurred in by the Secretary of War, that the proper interpretation of this clause, and the one which was contemplated by the Congress, is that disabled officers should be retained in military hospital so long as they are showing any improvement in their physical condition and also so long as their past medical record warrants the belief that improvement may be expected. When it becomes clear that the condition of any officer patient is growing worse month by month, or when it is apparent for a period of several months that no improvement is being made, and when in either instance the patient's condition fails to furnish any grounds for expecting improvement in the future, then it is believed that his treatment for physical reconstruction has reached a point where further benefit can not be expected by his retention in a military hospital or in the military service. Consequently, his discharge is indicated under the provisions of the law.

It is believed that the question of whether the patient needs further hospital treatment after discharge from the service has no bearing on the situation, since it may readily happen that hospital care for the remainder of the patient's life will be necessary, and yet his "treatment for physical reconstruction" has reached the point as indicated by the law. The decision as to whether this point has been reached is a matter of professional judgment, in which reliance must be placed mainly upon the views of the local medical officers who are in charge of the patients and have made a thorough study of their cases.

In rare instances when the condition has long been stationary, improvement may suddenly appear, but to retain all patients indefinitely, with only a vague hope of such a consummation in an occasional case, appears to be contrary to the intent of the existing law. The Congress has provided abundant facilities for the care and compensation of discharged officers and soldiers through the agency of the Bureau of War Risk Insurance, and it is the belief of this office that when the Medical Department of the Army has accomplished all that can be expected in the way of the physical reconstruction of our disabled military personnel, as indicated in the preceding paragraph, the indi-

viduals should be discharged from the military service and should pass into the care of that bureau.

Many officer patients have already been discharged from the military service under the conditions noted above and are now receiving compensation and hospital treatment from the Bureau of War Risk Insurance. To make any change at this time in the policy of discharging disabled officers when they have reached the condition noted, and to retain in military service for further treatment certain of those who are now patients in Army hospitals, would seem to discriminate in their favor as compared with officers already discharged whose cases presented equal claims for retention in the service, and this question has been gone into at this length, as importance is fully appreciated by this office.

It is believed that the interpretation of this act, as explained above, is the only one which can be reached, giving due weight to the interests of all concerned.

Very truly, yours,

S. J. MORRIS,

Lieutenant Colonel, Medical Corps.

PROTECTION OF MATERNITY AND INFANCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3259) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States.

Mr. FRANCE. Mr. President, I desire to offer an amendment to the pending bill.

The VICE PRESIDENT. There is a pending amendment.

Mr. FRANCE. I was under the impression that the amendment of the Senator from Utah [Mr. SMOOT] had been agreed to.

The VICE PRESIDENT. It has not yet been agreed to. The pending amendment will be stated.

The ASSISTANT SECRETARY. On page 1 strike out line 10, and on page 2 strike out lines 1, 2, and 3, in the following words:

For the use of the Federal board of maternal and infant hygiene, for the administration of this act, and for the purpose of making such studies, investigations, and reports as will further the efficient administration of this act.

And insert:

For the use of the Children's Bureau, for the promotion of maternal and infant hygiene, for the administration of this act, and for the purpose of making such studies, investigations, and reports as will further the efficient administration of this act.

So as to make section 1 of the bill read:

That there is hereby annually authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sums authorized in section 2 of this act, to be paid to the several States for the purpose of cooperating with the States in promoting the care of maternity and infancy in the several States; to provide instruction in the hygiene of maternity and infancy, and the sum authorized in section 5 for the use of the Children's Bureau, for the promotion of maternal and infant hygiene, for the administration of this act, and for the purpose of making such studies, investigations, and reports as will further the efficient administration of this act.

Mr. SMITH of Georgia. Mr. President, I would like to know just what the amendment is. I was engaged at the moment and would like to have it stated again.

The VICE PRESIDENT. The Secretary will read again the pending amendment.

The Assistant Secretary again read Mr. SMOOT's amendment.

Mr. SMITH of Georgia. Mr. President, we have all received many letters about the bill and probably a number of us have written answers to them stating we would support it. I have done so. But the letters I have received describe the measure as one only intended to carry information to the country, and advice and instruction about maternity and the care of infants.

The bill goes much further and I can not vote for it unless it is amended. There is one-half of the bill that is pure socialism and can be made the basis justly of extension of governmental care to every individual case of sickness. If this bill passes in its present shape, we may, with equal propriety, extend Government care to every case of individual sickness that arises in the United States. If the Government is to take care of the individual in each case of sickness, then if the individual needs something to eat, the individual ought to be provided by the Government with what he needs to eat, and if the individual should be provided with what he needs to eat, then he should be provided with what he needs to wear.

Now, let us see if my criticism is just. I am cordially in favor of that part of the bill which would carry information and education on subjects embraced in the bill to the people of the States, in order that they may, as individuals, be better informed as to how to carry their individual responsibilities, but this bill goes far beyond that. It carries that provision, but it also has an additional provision which I did not suppose it contained at the time I wrote stating I would support the bill, the letters I had received asking me to support it having dwelt simply upon the feature of the bill providing for the dissemination of information on these subjects throughout the land, to better enable the individual to perform an individual responsibility. Section 8 contains this provision:

And the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas.

Mr. SHEPPARD. Mr. President, will the Senator yield to me?

Mr. SMITH of Georgia. I yield.

Mr. SHEPPARD. The chairman of the committee, the Senator from Maryland [Mr. FRANCE], has indicated his willingness to accept an amendment eliminating that provision.

Mr. SMOOT. Do I understand the Senator from Texas to say that the chairman of the committee has accepted the proposition eliminating that whole section?

Mr. SHEPPARD. No; but eliminating the provision to which the Senator from Georgia makes objection.

Mr. SMOOT. Do I understand that the chairman of the committee has virtually accepted an amendment eliminating that provision wherever it may occur in amendments or otherwise?

Mr. SHEPPARD. Wherever that language appears in the bill as it is finally accepted by the Senate the Senator from Maryland will accept an amendment eliminating that clause.

Mr. SMITH of Georgia. I call attention to the clause in the amendment covering this subject, which also should be eliminated.

Mr. SHEPPARD. Exactly. We desire, however, to leave in the words "especially in remote areas," so that the instruction furnished will be available especially for remote areas.

Mr. SMITH of Georgia. To that I should not object.

Mr. SHEPPARD. I think if the Senator from Georgia would ask unanimous consent that that amendment be made the Senator from Maryland would accept it. If I remember correctly, he so advised me a few moments ago.

Mr. SMITH of Georgia. I am very much gratified to hear that.

Mr. WALSH of Montana. If the Senator from Georgia will pardon me, I rise to say that I understood the amendment tendered by the committee had been withdrawn, or at least that the chairman of the committee had signified his purpose to withdraw the amendment, allowing the matter to stand as the bill was originally drawn.

Mr. SHEPPARD. But the expression to which the Senator from Georgia is now referring is contained in the original section of the bill and also in the amendment.

Mr. WALSH of Montana. I appreciate that. The Senator should direct his attention, then, to the language as it is found in the original bill.

Mr. SMITH of Georgia. I was doing so. It was that language which I read.

Mr. SMOOT. In order that I may know what the agreement is, I desire to make an inquiry. As I understand, then, the Senator from Maryland, having the bill in charge, has consented to eliminate the words found on page 7, beginning in line 7, down to and including the word "areas," on line 10.

Mr. SMITH of Georgia. I understand the Senator from Maryland proposes to withdraw his amendment and go back to the original language of the bill and from the original language to strike out the words "and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary."

Mr. SMOOT. And also to strike out the words "especially in remote areas."

Mr. SMITH of Georgia. No; leaving in the language "especially in remote areas."

Mr. SHEPPARD. Yes; we wish to leave in the language "especially in remote areas."

Mr. SMITH of Georgia. Thereby providing for the scattering of information and furnishing knowledge in remote areas, but eliminating entirely the responsibility of caring for the individual case and limiting the bill to diffusing knowledge and education.

Mr. SMOOT. Mr. President, if that is to be done, then the bill should not carry the amount of appropriation which is provided for.

Mr. SMITH of Georgia. Let us get the language to which I have referred stricken out and take up the other matter afterwards.

The VICE PRESIDENT. Let the Chair get a little information about what the rules of the Senate are. Is it the rule of the Senate that the chairman of a committee and a Senator may agree as to the form a bill shall take?

Mr. SMITH of Georgia. Not at all; but if the chairman agrees, and the Senate is willing, I shall ask unanimous consent to amend the bill in the manner suggested. I was coming to that, and, if in order, I will make a request to that effect.

Mr. FRANCE entered the Chamber.

Mr. SHEPPARD. The Senator from Maryland is now here, and he can verify what I said a few moments ago.

Mr. SMITH of Georgia. I desire to say to the Senator from Maryland that it has been stated in his absence it was the purpose of those in charge of the pending bill to ask to withdraw the proposed substitute for the original language of section 8 and to amend the original language by striking out, in line 23, page 6, the words "and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary."

Mr. FRANCE. Mr. President, I do not consider that that amendment would materially injure the bill or defeat its purpose, and I myself do not feel like opposing it.

Mr. SMITH of Georgia. Mr. President, I ask unanimous consent to amend section 8 as originally introduced by striking out the language "and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary," the language being found in lines 23, 24, and 25.

The VICE PRESIDENT. Does the Senate desire to get rid of the pending amendment or not?

Mr. FRANCE. I hope that we may dispose of the pending amendment, and then, if that will be agreeable to the Senate, I should very much like to offer a few amendments to perfect the bill before we leave the committee amendments.

Mr. SMITH of Georgia. If unanimous consent is given to consider the amendment proposed by me, it will help us to act on the other amendments.

The VICE PRESIDENT. Is there any objection to passing over the pending amendment and proceeding to the consideration of the amendment offered by the Senator from Georgia? The Chair hears none. The question is on agreeing to the amendment offered by the Senator from Georgia to section 8 of the bill, which will be stated.

The ASSISTANT SECRETARY. On page 6, in the original text of the bill, beginning in line 23, after the word "methods," it is proposed to strike out "and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, a parliamentary inquiry. Has the Senate voted formally on restoring the original language of section 8 of the bill?

The VICE PRESIDENT. Unanimous consent was given to withdraw the committee amendment to that section. The pending amendment now is the amendment offered by the Senator from Utah [Mr. Smoot]. The question is on agreeing to that amendment.

Mr. HARRISON. I inquire what is that amendment? I have an amendment to propose, and I do not wish to be foreclosed on that proposition.

The VICE PRESIDENT. Does the Senator from Mississippi ask that the amendment be restated?

Mr. HARRISON. Yes.

The VICE PRESIDENT. The amendment will be restated.

The ASSISTANT SECRETARY. The pending amendment is the first amendment offered by the senior Senator from Utah [Mr. Smoot], which has been printed, namely, on page 1, to strike out all of line 10, and, on page 2, to strike out lines 1, 2, and 3 and substitute therefor the following:

For the use of the Children's Bureau, for the promotion of maternal and infant hygiene, for the administration of this act, and for the purpose of making such studies, investigations, and reports as will further the efficient administration of this act.

Mr. SMITH of Georgia. Mr. President, before that amendment is voted upon I wish to call attention to some other provisions of the bill. Section 2 carries an appropriation of \$480,000, \$10,000 of which shall be paid annually to each State. Then the section proceeds:

Provided, That there is also authorized to be appropriated for the use of the States, subject to the provisions of this act, for the fiscal year ending June 30, 1921, an additional sum of \$2,000,000; for the fiscal year ending June 30, 1922, the sum of \$2,400,000; for the fiscal year ending June 30, 1923, the sum of \$2,800,000; for the fiscal year ending June 30, 1924, the sum of \$3,200,000; for the fiscal year ending June 30, 1925, the sum of \$3,600,000; for the fiscal year ending June 30, 1926, the sum of \$4,000,000.

Mr. President, we have agreed that this work shall simply be educational work; that it shall be for the purpose of disseminating knowledge. When these large sums were put into this bill it was with the idea of treating individual cases.

Mr. SHEPPARD. Mr. President, that was not the idea. The treatment of individual cases was never intended to amount to more than a very secondary and exceptional consideration. The additional amounts are dependent on the appropriation of an equal amount by the States. The question was carefully gone into as to what might be needed to provide sufficient information to the various consultation and health centers in the various States.

Mr. SMITH of Georgia. Does the Senator think it would take \$8,000,000 annually simply to carry information and instruction on the subject?

Mr. SHEPPARD. That was the conclusion of those who looked into the matter very carefully.

Mr. SMITH of Georgia. It had occurred to me that, limiting the scope of the bill to the furnishing of information, we could afford to make the first appropriation \$500,000 instead of \$2,000,000, which would really make \$480,000 from the National Treasury, \$10,000 to go to each State without regard to an appropriation by the State, and \$500,000 conditioned upon appropriations from the State, giving a total of \$1,480,000. I should think instruction upon this subject could be given pretty generally with such an appropriation. I was above all things interested in removing that part of the provision of section 8 which has been eliminated. I am cordially in favor of carrying the educational work on this subject to the people. We can not do too much, with the States duplicating our contribution, to carry information and to carry instruction, leaving finally the individual responsibility of the citizen remaining on him, according to the plan of our Government from the time our Constitution was adopted.

Mr. FRANCE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. SMITH of Georgia. I yield to the Senator.

Mr. FRANCE. Does not the Senator think that that is a very drastic reduction?

Mr. SMITH of Georgia. I am not pressing it. I just threw out the suggestion. I will not offer an amendment myself. I was just asking, for information, whether \$1,480,000 spent each year would not carry the information; but, if it would not, I do not want the amount reduced so much. I regard it as most valuable that the information should be given.

Mr. FRANCE. I feel, personally, that that reduction would be altogether too drastic. If the Senate should feel that there ought to be some reduction, we might consider the advisability of making some reduction in the appropriation; but I do feel that to make a reduction of 75 per cent would be really going too far, because the cost of printing and the cost of stationery and clerical salaries runs into money very rapidly when the whole country is to be covered. I hope the Senator will consider that phase of the matter.

Possibly a 25 per cent reduction would be wise at this time; I mean to say, the Senate might feel that it would be. Personally, I should prefer to see the figures as they are. We have considered the amounts very carefully, and we feel that these amounts are the proper ones.

Mr. BRANDEGEE. Mr. President, will the Senator let me ask him a question there? Inasmuch as the Senate rules provide with regard to the consideration of regular appropriation bills that no appropriation shall be made except what has been estimated for by some responsible department, may I ask who made the estimates from which these figures of \$2,000,000 and \$4,000,000 resulted? The Senator from Texas says he understands the matter has been very carefully considered and looked into. By whom?

Mr. SHEPPARD. By the Children's Bureau.

Mr. BRANDEGEE. And is it the opinion of the Senator that the Children's Bureau thought these amounts to be appropriated annually—such amounts as \$2,000,000 and \$4,000,000—were required simply for sending out circulars and literature on these questions?

Mr. SHEPPARD. That was the idea, because the work is to be in cooperation with all the States of the Union.

Mr. BRANDEGEE. They allowed nothing, then, for doctors' bills for women and children, which was contained in the language which has been stricken from the bill?

Mr. SHEPPARD. That was considered to be a very small part of the matter, and was not principally in contemplation at all.

Mr. BRANDEGEE. Whether it would be small or very large would depend upon the extent to which it was applied, of course, would it not—the number of doctors employed?

Mr. SHEPPARD. It was not intended to apply that phase of the bill extensively at all, but only to apply it in exceptional cases, in remote districts.

Mr. BRANDEGEE. The bill says "especially in remote areas," but it is not limited to that. But the Senator is perfectly satisfied, as I understand, to have that go out?

Mr. SHEPPARD. Exactly; and we will not object to a reduction in the appropriation, only we do not want too great a reduction made.

Mr. SMOOT. Mr. President, the amendment that has been adopted, in my opinion, takes out at least three-fourths of the expense that would be incurred under this bill.

Mr. SHEPPARD. Not at all, I will say to the Senator. Only a small part of the moneys available was intended to be used for medical and nursing care.

Mr. SMOOT. Does the Senator really think, then, that \$8,000,000 can be spent annually for the dissemination of information and education?

Mr. SHEPPARD. That is my idea; but, as I say, if the Senator will submit a reasonable amendment, I think there will be no objection.

Mr. SMOOT. Of course, the amendment that was offered and agreed to here seems to me about the only thing we are going to get out of the bill. The Surgeon General of the Public Health Service was in my office not two hours ago, and he said that the Public Health Service was giving information along this line in connection with the Public Health Department of the Government, but I said that the bill went further than that, and, of course, it did originally; but now it is confined to the educational features of the health of the people and the maternity activities. Now, it does seem to me that it would be impossible to spend \$8,000,000 a year for that purpose. I can not see how it is possible to do it. Why, we think we turn out a great deal of stuff down here at the Government Printing Office, but the entire appropriations for the Printing Office are not \$8,000,000, for everything; so I think the Senator, now that that amendment has been made, has placed the bill in such a position that the appropriation needed will be very small, indeed.

Mr. SHEPPARD. I will say to the Senator that only the smallest part of this fund was to be expended for actual medical and nursing care. It was the object of those who prepared the bill to make the measure principally a matter of information and instruction, and it was their opinion that it would require something like this sum to cooperate effectively with the various States in distributing this information. If the Public Health Service has been engaged in this work, it has been duplicating work unnecessarily.

Mr. FRANCE. Mr. President, this bill seems to be entirely misunderstood by the Senate. It would be very gratifying, indeed, if Senators would consider carefully the language of the bill, and then its purpose, I think, would be quite apparent, and the necessity for the appropriation would be as evident.

This is not a bill to provide printing and stationery, nor is it a bill to provide hospitals. It must be apparent to all of the Senators that this appropriation would be necessary to provide for hospitals if we were planning to take care of these patients in hospitals. On the other hand, it is apparent that the appropriations are too large for the mere carrying of printed information. It is not, however, a bill to provide hospitals. It never was a bill for that purpose. It was thought wise by those who know of the situation which exists in remote areas to grant permission under the bill for giving to the exceptional case hospital care. I anticipated that perhaps there might be four or five cases in a State where it would be necessary to take a poor woman from a remote region and bring her in to some center where she could have treatment which otherwise she would not be permitted to have. I did not anticipate that there would be more than four or five cases in a State where hospital care would be actually given; but attention to the language of section 8 will show that the chief purpose of the bill, which is stated first, is the provision of instruction in the hygiene of maternity and infancy through public-health nurses.

Mr. SMITH of Georgia. Mr. President, I yield to the Senator from Maryland.

Mr. FRANCE. I ask the Senator's pardon. I thought the Senator had finished.

I might go into the methods which are employed in carrying on instruction through public-health nurses, but I hardly feel that it is necessary to do so. I think most of the Senators are familiar with the methods employed by the community nurse who goes from house to house giving instruction, giving a little care to one patient and a little care to another patient, and giving instruction both to patients and to their friends. It is the ideal method of instructing, but it is a very expensive method. It is, however, the only method which will meet the situation. Many of the patients who are in need of the information are unable to read and write, to the disgrace of our country. There ought not to be any adult person in the United States unable to read and write, and it is chargeable to a false economy that we have thousands and hundreds of thousands of white men and white women in this country unable to read the very pamphlets which are printed here, and the knowledge of which would often save lives. Many of these patients are unable to read and write because of the negligence of the legislative bodies of the United States, and it is only through the human agency of nurses that we can convey this information, and that is a very expensive method of conveying information. I could very quickly figure

up the number of nurses that would be required to carry on this work, and you would see how really inadequate the fund is for carrying on instruction in this way.

Of course, we anticipate that there will be the use of the other method, the sending out of information through circulars and other suitable methods, perhaps by the moving picture, which is a wonderful agency, an agency which we have hardly come to appreciate as an influence for education. All of these methods will be used, but the chief expense will be for the dissemination of information through the community nurses.

I hope that explanation will make it clear to the Senators why this appropriation is not, after all, so large a one as it would at first seem. Certainly it would be far too much if we were planning to use only the printed page. We are planning to use the nurse, the most satisfactory agency through which knowledge of hygienic questions can be disseminated.

I beg the pardon of the Senator from Georgia. I was under the impression that he had yielded the floor, and that the Senator from Utah had taken the floor from him. I shall be very glad, indeed, to hear the Senator continue, if he wishes to do so.

Mr. SIMMONS. I would like very much to have the attention of the Senator from Maryland for a moment. I wish to ask the Senator from Maryland why it is necessary to provide appropriations in this bill for more than the first year. I doubt very much whether there has been any very accurate estimate made in this particular case. I do not see how any accurate estimate could be made in advance of putting the act into operation. I think the purposes the Senator and the other advocates of the bill have in view would be subserved by an initial appropriation. Then opportunity would be given, after the system is put into operation, for an accurate estimate as to what would probably be the reasonable cost of the continuance and proper expansion of the system.

I think we ought to be very liberal in the first appropriation. It is possible it might be disclosed that the appropriation is more than is necessary. It might be disclosed that it was very much less than was necessary. Future Congresses having correct information before them would undoubtedly deal liberally and generously in appropriating for this very laudable purpose.

Mr. FRANCE. I appreciate the feeling of the Senator from North Carolina, and, personally, I would not have opposed an amendment confining the appropriations to the first year or two. But when I talked over such an amendment with Senators, some of them expressed the view that if the appropriations were not named for the future years the expense for carrying on the work would be greater than even the amounts named in the bill.

Mr. SIMMONS. Possibly.

Mr. FRANCE. Some of the Senators said they would be unwilling to accept such an amendment, because they feared that in a few years the work would grow so large that even \$4,000,000 would be inadequate.

Mr. SIMMONS. Does not the Senator know that if it should develop that the cost would be very much greater than the amount prescribed in the bill applications would be made to Congress to increase the appropriations? We will have it in our power to regulate the amount we finally appropriate so as to fit the situation as it develops.

Mr. FRANCE. Mr. President, in reply to the question of the Senator from North Carolina I would say that, personally, I always hesitate to attempt to bind a future Congress. It seems to me, generally speaking, that it is unwise for one Congress to attempt to bind a future Congress.

Mr. SIMMONS. That is what you are doing in this bill.

Mr. FRANCE. I myself would be inclined to favor the suggestion of the Senator, but it is true that when the friends of the bill considered accepting such an amendment, some Senators stated that they were unwilling to agree to such an amendment, fearing that the appropriations would grow even beyond the amounts mentioned in the bill for the future years.

Mr. SIMMONS. I want to say to the Senator from Maryland that if the need for increased appropriations develops, I want to have them increased; they ought to be increased, and they will undoubtedly be increased.

Mr. SMOOT. Mr. President, I will say to the Senator from Maryland that I suppose I was the one he had reference to as not approving the plan of cutting these appropriations down in future years. If we were going to provide for medical and nursing care for mothers and infants at home and at hospitals when necessary, I knew that the \$3,000,000 would not be enough, and I wanted it specifically stated in the law. But now that that is cut out I think the proposition as originally submitted by the chairman of the committee, to make the appropriation not to exceed \$1,000,000 for the beginning of the work, would be perfectly satisfactory, and then each year it would be appro-

printed for on estimates the same as any other estimate which comes to Congress for an appropriation.

Mr. SHEPPARD. Mr. President, permit me to suggest that there is an amendment pending, and if the Senate will proceed with that amendment perhaps we may reach some arrangement in the meantime with regard to this section.

Mr. FRANCE. May we not have a vote now upon the pending amendment?

Mr. SMITH of Georgia. Mr. President, will the Senator from Utah [Mr. Smoot] tell us how much we appropriate for the entire Public Health Service?

Mr. SMOOT. Does the Senator mean for the whole Public Health Service?

Mr. SMITH of Georgia. For the Public Health Service.

Mr. KING. Administrative work.

Mr. SMOOT. As I remember, less than \$20,000,000.

Mr. SMITH of Georgia. For the Public Health Service?

Mr. SMOOT. Yes.

Mr. THOMAS. I think the chairman of the committee yesterday stated that last year it was \$13,000,000, and they now ask for \$18,000,000.

Mr. SMOOT. Of course, that is outside of the War Risk Bureau.

Mr. SMITH of Georgia. I would like to ask the Senator from Utah if this modification of his amendment might not appeal to him. In the bill as it was drawn we provided for a board, composed of the Secretary of Labor, the Chief of the Children's Bureau, who should be the executive officer, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education. The work as we finally are planning it is to be educational work. To some extent it is entirely possible that the Commissioner of Education touches it. Undoubtedly to a great extent the Surgeon General of the United States Public Health Service handles it. You make the Chief of the Children's Bureau the executive officer. The object of the Senator from Utah was to prevent the creation of a new bureau. Would it not be well to leave this board and add at the end of the clause of section 3 "the work of said Federal board shall be conducted through and by the Children's Bureau"? That would prevent the establishment of another bureau, and yet it leaves in the board the men who are touching the same line of work elsewhere; and would it not help avoid duplication?

Mr. SMOOT. Mr. President, I do not see that it would, and not only that, whoever administers this law we want to hold responsible for it. When the appropriations are asked for we want to call somebody before the Appropriations Committee who knows the detail of the expenditure of the money and what they are going to do with the appropriations asked for. I know that the Secretary of Labor can not give attention to this matter. I know that the Commissioner of Education can not do so. It does seem to me that if we are going to have it administered it ought to be administered by some authority which has the direction of all the activities under the bill, and I am fearful that if that plan is adopted there will be created another bureau within a bureau, directed by the board spoken of by the Senator.

Mr. SMITH of Georgia. What I am really seeking is to provide that the Surgeon General shall have something to do with it.

Mr. SMOOT. I know that, and I want to say to the Senator that since this amendment has been agreed to there is more real reason why the Surgeon General should have direct control of it than there was before. But even now I think the best thing to do, Mr. President, under the reorganization is that it should go to the Children's Bureau.

Mr. SMITH of Georgia. Mr. President, I do think, with the Public Health Service organized with great physicians, great doctors, at its head, with an expenditure of approximately \$20,000,000 a year on the Public Health Service, with no information to us that they are not already engaged in the study and distribution of information on this subject, clearly what we do ought to be supplementing what they are now doing if we wish to derive the greatest possible benefits from the appropriations we make. To take this scientific question, this problem that is a part of all medical research, and turn it over to the Children's Bureau instead of the Public Health Service is hardly defensible. I can not help thinking it would be better to retain the Surgeon General connected with this work, and to have the benefit in this work of the great organization we have all over the country of able physicians, now a part of the Public Health Service. I think it is a mistake to put it simply under the Children's Bureau; that we at least ought to leave the Secretary of Labor out, and have a board with the Surgeon General on it, even though it is administered finally under the Children's Bureau.

Mr. KING. Mr. President, I would like to ask my colleague, in view of this suggestion, what objection there could be to giving the work of this organization to the Surgeon General, and authorize him to utilize the Children's Bureau as the chief executive authority? That would then fix the responsibility. I may say to my colleague that I do not quite agree with his position and with the suggestion made by the Senator from Georgia, that a new bureau would be created. It seems to me that the responsibility would rest upon those three. It would not be a new bureau, and they could enforce the provisions of the bill through the Children's Bureau.

Mr. SMOOT. Of course, Mr. President, I look at the bill entirely differently. I think there is not a question but that there would be a new bureau established.

In answer to the first question of my colleague, I will frankly say, as I did yesterday, that I think the administration of the bill under the Public Health Service would be more costly than under any service that might be asked to administer it. The Public Health Service, I think, is very liberal in the expenditure of public funds. I think there is more duplication of work in the Public Health Service than there is in any other bureau of the Government. When an investigation is made into all the details and activities of the Public Health Service I think it will be demonstrated beyond a doubt that there is a greater duplication of work there than in any other of the activities of the Government, and I do not feel that it is proper to place the administration of this law under the Public Health Service for that reason. I want to be frank and say that if we have a reorganization of the departments of our Government, this, with all the other great questions, must be considered. There has to be a skeleton of our form of government made, and then to that will have to be added the activities where they properly belong, and all duplication of work now so prevalent in all the departments of our Government must be eliminated.

Mr. OVERMAN. Rather than a duplication on the part of the Public Health Service of what other departments are doing, is it not true that other departments are duplicating work that the Public Health Service is doing?

Mr. SMOOT. There is no doubt about it. The Senator from North Carolina is a member of the Committee on Appropriations and we have had before that committee representatives from different departments, who have admitted and stated without a moment of hesitation that the duplication is beyond all reason. If there is any one thing that is needed now in the Government business, it is to begin a complete reorganization of all the departments of our Government and, if possible, to eliminate this duplication of work.

Mr. KING. Mr. President—

Mr. SMOOT. I thought if this were placed in the Public Health Service it would be an excuse for extending the activities of that service from one end of the land to the other, and perhaps salaries paid greater than are paid in any other of the departments or bureaus of our Government, and it would cost so much that I thought this was the most economical way of meeting the situation.

Mr. KING. If my colleague will allow me, I do not quite understand his logic. He has been contending here, as have other Senators, for a consolidation of activities of the Government and the bringing under one head of all the work of a given character. It has been shown in the Senate that there are large numbers of agencies in various departments of the Government that have more or less to do with the question of hygiene and sanitation and public health. If this consolidation shall be effected to which the Senator refers, then obviously all of these agencies ought to be consolidated under one head. You may call it public health or give it any other name, but I doubt not if this consolidation shall be effectuated that the work under this bill will be placed with the bureau or department or agency that has to do with public health in all parts of the United States.

Now, by the bill we are creating an agency which we will be bound, under the consolidation, to destroy and transfer from it to this consolidation the activities which are provided for under the bill. Why create another agency which we will have to destroy?

Mr. SMOOT. We have an agency now that is studying these very things, in fact two of them, outside of the Public Health Service. There is the Woman's Bureau that is studying these questions in detail. The Children's Bureau is also studying these questions in detail and is issuing pamphlets in education along the lines here contemplated. It does seem to me that rather than place this work now with a direct instruction to the Public Health Service to do the same thing, we had better utilize at least the agencies that we have in the Government to-day as far as education is concerned.

Mr. SMITH of Georgia. How would it do to put it in charge of a board or committee consisting of the heads of the Woman's Bureau and Children's Bureau and the Surgeon General and execute it through the Children's Bureau?

Mr. SMOOT. The only thing is that if we do that and have the board created they will want a building in the District of Columbia. I am positive of that, I will say to the Senator. I feel sure that that would happen and other—

Mr. SMITH of Georgia. I withdraw the shaking of my head. I think they will take anything we give them.

Mr. SMOOT. By way of rent, does the Senator mean?

Mr. SMITH of Georgia. I do not mean that. I mean the bureau will take any lodgment we give them and any space we give them and any building we may give them.

Mr. SMOOT. We have not any space to give it at the present time, unless we rent it. I know they would have to have space to begin with, and then there would be a complete organization, of course, and chief clerks and heads of divisions, and divisions created in that board, and there is no telling what the expense would be.

Mr. SMITH of Georgia. Has the Senator any doubt that the Children's Bureau will enlarge and spend every dollar which we give it, just as completely as any other agency?

Mr. SMOOT. I have not any doubt they will spend every dollar we may give them; but, at least, we will not have to have a chief of the Children's Bureau again, and we will not have to have her secretary, and we will not have to have a great many of the chief clerks that are already there. I am trying to cut out some of the expense, because every dollar we appropriate ought to go for the very purposes of the bill and not for the employment of extra help, whether it be in the Children's Bureau or whether it be a new board created or otherwise. If we are going to appropriate money, it ought to go for the purpose for which it is appropriated and not for the purpose of hiring extra help.

Mr. WADSWORTH. Mr. President, I have been much interested in listening to the discussion with respect to the duplication of effort in the various departments of the Government and in examining the amendment offered by the Senator from Utah [Mr. SMOOT]. As the discussion has been along this line, I wish to make a similar suggestion, and offer an amendment later on, as to what the effect of the bill will be in certain State governments.

Section 4 of the bill provides—

That in order to secure the benefits of the appropriations authorized in section 2 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or authorize the creation of a State board of maternal and infant hygiene, consisting of not less than three members.

As I understand it, no State could have the benefit of the provisions of the bill unless it did that very thing. Now, the government of the State of New York has been tending toward the single-headed department in an endeavor to get rid of the inefficiency of commissions. As a result of that tendency some years ago the State department of health was established, headed by a State commissioner. I think I am well within the truth to say that there is not a finer State department of health in the United States. I wish to read to the Senate a very brief extract from the New York Legislative Manual, which describes the duties of the commissioner of health.

In the first place he receives an annual salary of \$8,000 and his expenses. He shall take cognizance of the interests of health and life of the people of the State and of all matters pertaining thereto. He shall exercise general supervision over the work of all local health authorities except in the city of New York. He is charged with the enforcement of the public-health law and the sanitary code. He shall make inquiries in respect to the cause of disease, especially epidemics, and investigate the source of mortality and the effect of localities, employments, and other conditions upon the public health. He shall obtain, collect, and preserve such information relating to mortality, disease, and health as may be useful in the discharge of his duties or may contribute to the promotion of health or the security of life in the State. He shall have general supervision of the State system of registration of births, marriages, and deaths, and prevalent diseases, and other functions which are not of interest on this occasion.

There is an agency up in the State of New York, and other States may have similar agencies, which is entirely competent to do any work contemplated in the pending bill. The budget of the State of New York has risen to a figure in excess of \$200,000,000.

The State government is in a very desperate situation with respect to its financial condition. The governor elect will endeavor, as soon as he takes office, to cut down that budget by seventy or eighty or one hundred million dollars, in an effort to

save money to the taxpayers and relieve the people of the burden of taxation.

Now, the pending bill, if the State of New York is to take advantage of it, would impose a new commission upon the State, which is utterly unnecessary. There is no need of it. The public-health commissioner of the State and his highly organized office could administer the provisions of the bill within the State of New York with the utmost ease, without incurring any additional expense worthy of consideration.

At the proper time, therefore, I am going to move an amendment to strike out the provision of section 4, which compels a State "to establish a board of maternal and infant hygiene, to consist of not less than three members," and merely state that the State shall designate or authorize a State agency, and let the State select one of its existing agencies, if it is competent to do the work or create a new one, if it has not one in existence.

Mr. SHEPPARD. Has the Senator observed the proviso in section 4, that "in any State having a child-welfare or child-hygiene division in its State board of health," and so forth? Would not that meet the condition in the Senator's State?

Mr. WADSWORTH. But it says "in its State board of health," and the State of New York has no board of health. There may be other States that have not; I am not sure.

I merely brought the matter up at this time because it was in line with the discussion indulged in by the two Senators from Utah.

Mr. WALSH of Montana. Mr. President, I inquire whether the whole thought could not be served by inserting the words "commissioner of health," so that it would read "in any State having a child-welfare or child-hygiene division in its State board of health or a commissioner of health."

Mr. WADSWORTH. The language will have to be changed in line 11, because that is mandatory. There it says they "shall designate or authorize the creation of a State board of maternal and infant hygiene." There it says the State shall "designate or authorize the creation of a State board of maternal and infant hygiene."

Mr. WALSH of Montana. But that is subject to the provision to which I have called the Senator's attention, namely, "Provided"—which is a qualification of what goes before—"That in any State having a child-welfare or child-hygiene division in its State board of health." If there is no State board of health in the State of New York, but the ordinary duties and functions of a State board of health are performed by the commission of health, why not just merely change it as I have suggested?

Mr. WADSWORTH. I was going to offer an amendment to that proviso also making it read as follows:

Provided, That any State having an agency in charge of child welfare or child hygiene, said State agency may be directed to administer the provisions of this act.

Mr. WALSH of Montana. I should think there would be no objection to that.

Mr. WADSWORTH. The Senator and I arrive at the same goal.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah.

Mr. SMOOT. If the Senator from Georgia [Mr. SMITH] were here, I was going to ask unanimous consent to offer another amendment at this time and have it voted upon before the pending amendment is voted upon. I think I shall do it, anyhow.

I ask unanimous consent to offer the following amendment. I will state that I do it at the request of those who are interested in the bill. I ask that it be read and agreed to.

The VICE PRESIDENT. The proposed amendment will be read.

The ASSISTANT SECRETARY. On page 2, it is proposed to strike out the proviso in line 12 to line 21, inclusive, and to insert the following:

Provided, That there is hereby appropriated for the use of the States, subject to the provisions of this act, for the fiscal year ending June 30, 1922, an additional sum of \$1,000,000, and annually thereafter a sum not to exceed \$1,480,000.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Utah previously offered.

The amendment was agreed to.

Mr. HARRISON. Mr. President, section 8, as I understand, has not yet been adopted, has it?

Mr. SHEPPARD. I think it has.

Mr. HARRISON. The committee reported to strike out section 8 and to insert a substitute for it, which, as I understand, is still pending.

Mr. SMOOT. It is open to amendment.

Mr. HARRISON. It was amended in one particular, but is still open to amendment?

The VICE PRESIDENT. Yes; the original text of section 8 remains in the bill.

Mr. HARRISON. I desire to ask the Senator from Maryland, who is in charge of the bill, a question. Beginning on line 21, page 6, the bill now provides—

the provision of instruction in the hygiene of maternity and infancy through public-health nurses, consultation centers, and other suitable methods, especially in remote areas.

That is the way it reads after the amendment has been adopted; in other words, that "the provision of instruction in the hygiene of maternity and infancy through public-health nurses, consultation centers, and other suitable methods," is intended to be in remote areas or that the course of instruction shall be given in the rural sections of the country. That is what the bill purports to provide, is it not? I am asking the question because I think the language is a little ambiguous, especially the words "in remote areas." I do not understand what that means; whether it is a direction that that class of work is to be carried on out in the remote or rural sections of the country. As the Senator will understand, when we say "especially in remote areas," it might mean a direction and it might not.

Mr. BRANDEGEE. Mr. President, evidently, I think, that was intended to be coupled with the medical provision. If the provision regarding medical care has been stricken out, the words which the Senator from Mississippi is speaking of should also go out, because the education will be furnished to the remote sections as well as to the near sections.

Mr. HARRISON. I thought, perhaps, that it was desired to take care of cases out in the rural sections, and I was going to offer an amendment to strike out the words "especially in remote areas" and insert in lieu the words "in rural sections." Chicago might be remote from New York and New York might be remote from San Francisco; but if we desire to carry on this work in the rural sections, we ought to leave out the language "especially in remote areas"; we ought to leave no doubt about the intention and should merely say "in rural sections."

Mr. BRANDEGEE. But if the activities of the bill are confined to education, to the sending out of literature, there would be no further necessity for the inclusion of the words "in remote areas"; they should be stricken out.

Mr. SMOOT. They should be stricken out, as I suggested a while ago.

Mr. HARRISON. It is the intention, then, to strike out the words "especially in remote areas"?

Mr. FRANCE. If the Senator will make that motion—

Mr. HARRISON. I am opposed to striking out that language, because I think this work can be very serviceable in the rural sections, and I had thought that was what the committee had in mind.

Mr. FRANCE. It applies to all sections.

Mr. SMOOT. To the cities as well as to the rural sections.

Mr. HARRISON. It was not the intention, then, merely to leave it apply to rural sections or remote areas?

Mr. SMOOT. If the Senator will read all of the provision, beginning where the amendment was added, he will see that the punctuation shows that the words to which he refers specifically had reference to caring "for mothers and infants at home or at a hospital when necessary, especially in remote areas." In other words, in the cities there are generally hospitals, but in rural communities there are none. If, however, this work were to be extended, it was to be extended especially in remote areas. I have suggested to the Senator from Maryland that the language go out.

Mr. HARRISON. Then the Senator is going to make a motion to strike out the language "especially in remote areas"?

Mr. SMOOT. Yes.

Mr. HARRISON. I wish to make a motion to strike out, on lines 1, 2, and 3, page 7, that part of section 8 which reads:

If the Federal board finds these plans to be in conformity with provisions and purposes of this act, due notice of approval shall be sent to the State board.

That will remove the idea which was generally expressed yesterday in the debate, that the Federal Government would hold such a hand on the administration of this proposed legislation that it might dictate the manner of providing instruction or of disseminating information in the various States.

Mr. SHEPPARD. There must be some method of approval by the Federal agency before it can be determined whether or not the appropriation is available in accordance with the purposes of the act.

Mr. HARRISON. Then, does the Senator from Texas agree with the speech of the Senator from Connecticut [Mr. BRANDEGEE] yesterday, that we are going to lodge the power here, that we are going to standardize this work and make it a federalization scheme instead of being really a State work?

Mr. SHEPPARD. Not at all. This measure follows the plan that was adopted in the good-roads legislation and in the vocational-education legislation.

Mr. SMOOT. And wherever the Government has appropriated money to be expended in connection with money appropriated by the States. This is the exact provision found in other such cases.

Mr. HARRISON. If this provision is left in the bill now, there could be no doubt that the Federal board would have the right to say just how the money would be used in the various States.

Mr. SHEPPARD. Not at all.

Mr. HARRISON. And the manner of instruction.

Mr. SHEPPARD. Not at all.

Mr. HARRISON. And where the instructors shall go; what character of instructors shall be employed; what may be the color of instructors, and the class of institutions that may be included.

Mr. SHEPPARD. Not at all.

Mr. HARRISON. It seems to me that it is going pretty far to lodge such power here in Washington. It is provided in the beginning of section 8—

Mr. SHEPPARD. The function must be lodged in some Federal agency; there must be provided in the bill some method of determining whether a State is entitled to the Federal appropriation under the provisions of the proposed act.

Mr. HARRISON. Yes.

Mr. SHEPPARD. If the States submit a plan which comes within the provisions of the act, the Federal board has no discretion in the matter but must certify that it has complied with the terms of the act. The bill does not say that the Federal board must necessarily approve the plan. It is for them merely to find whether the plan devised by the local agency comes within the provisions of the proposed law. Some Federal agency must perform that function.

Mr. FLETCHER. May I suggest to the Senator from Mississippi that the language he is reading is not in the amendment which has been agreed to?

Mr. HARRISON. Yes; it was left in the bill; that part of it still remains.

Mr. FLETCHER. That part is still in the amendment?

Mr. HARRISON. Oh, yes.

Mr. FLETCHER. Is not that qualified by the last clause, beginning in line 10, which has been agreed to, as I understand, that "this work shall be carried on in such manner as may be mutually agreed upon by the Federal board and any State receiving the benefits of this act?"

Mr. SMOOT. That has been stricken out.

Mr. SHEPPARD. The original section 8 has been substituted for the amendment, I will say to the Senator from Florida.

Mr. HARRISON. The idea which we had yesterday, as I understood, in rejecting the substitute offered by the committee and going back to the original provision of section 8 was to get away from that thought, that the Federal Government should have too much of a hand in this proposition and might veto the work of the States. So, carrying out that idea, it seems to me that it would not affect the bill to strike out the three lines which read:

If the Federal board finds these plans to be in conformity with the provisions and purposes of this act, due notice of approval shall be sent to the State board.

Mr. FRANCE and Mr. WALSH of Montana addressed the Chair.

The PRESIDING OFFICER (Mr. NUGENT in the chair). Does the Senator from Mississippi yield; and if so, to whom?

Mr. HARRISON. I yield first to the Senator from Maryland.

Mr. FRANCE. Mr. President, the junior Senator from Utah spoke to me a moment ago with reference to this particular portion of the bill and called my attention to an amendment which he thought of offering, and which I think will improve the language and will meet the objection of the Senator from Mississippi.

Mr. HARRISON. What is the amendment?

Mr. KING. Mr. President, I confess to not being attentive to the suggestions of the Senator from Mississippi, but I was about to suggest, if I may be permitted to do so, the following amendment: In lines 1, 2, and 3, page 7, strike out the words "If the Federal board finds these plans to be" and substitute the words "If these plans are in conformity with the provisions

and purposes of the act, due notice of approval shall be sent to the State board."

Mr. SMOOT. But who will send them?

Mr. SHEPPARD. The words "by the Children's Bureau" should be added.

Mr. SMOOT. That will cover the point.

Mr. KING. I have no objection to those words being added.

Mr. HARRISON. Mr. President, the amendment of the Senator from Utah makes no essential change, so far as I can see. It means about the same thing. What I should like to get away from is the proposition that the Federal board here in Washington can determine the manner of carrying out the provisions of this bill by the State organizations.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. HARRISON. Yes.

Mr. LENROOT. Is the Senator in favor of the Federal Government appropriating millions of dollars without having any assurance that the real object of the bill is to be accomplished?

Mr. HARRISON. The bill at the beginning of section 8 provides:

That any State desiring to avail itself of the benefits of this act shall, by its board described in section 4, submit to the Federal board detailed plans for carrying out the provisions of this act.

Mr. LENROOT. Suppose the plans do not carry out the purposes of this act, must there not be somebody to determine that question?

Mr. HARRISON. Suppose my State, for instance, availing itself of the provisions of this bill and putting up its pro rata share of the money, should make certain plans which it thought carried out the provisions of the bill, indicating what character of instructors they would send out to inform the people, and the plan should come here, the State board in my State, thinking that they had complied with the provisions of this bill, the board here in Washington might think that the character of instructors in many instances was not just what the board thought it ought to be. There might be a difference in various ways. The Federal board might think that the instructors ought to be men, while the State board might think they ought to be women; the State board might think the instructors should be white, while the board here might think that it made no difference and that the instructors might be of different race. Under those circumstances the board here could say, "You have got to comply with our idea about this matter," and it could refuse to O. K. the plans until they had been changed accordingly. Does not the Senator think that is true?

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. HARRISON. Yes.

Mr. POINDEXTER. I wish to ask the Senator from Mississippi a question. While I appreciate fully the force of the criticism he has made, is not the matter he is criticizing the inevitable result of vesting the Federal Government with jurisdiction over such subjects as that covered by the pending bill?

Mr. HARRISON. Yes.

Mr. POINDEXTER. If the Federal Government assumes jurisdiction over such matters it seems to me that the argument which the Senator from Mississippi is making is more of an argument against the policy than one which should be made against the measure after the policy has been adopted.

Mr. HARRISON. I agree with the Senator from Washington that the criticism very largely grows out of the policy now being pursued, but we wish to frame the bill so that there will be no dangers lurking in it, and I think I can see some dangers in the proposition to which I have called attention. The purposes of the bill are written in the bill itself and if we are going to so say that the States shall appropriate sums of money equal to those appropriated by the Federal Government to carry out these purposes we ought to leave it to the States to carry them out.

Mr. LENROOT. Why?

Mr. HARRISON. For the simple reason that I think the State knows how to do the work in the best manner and in a manner more agreeable to its particular people than would a board here in Washington.

Mr. LENROOT. Does the Senator think that the Federal Government should pay out the millions of dollars which are to be appropriated under this bill without any assurance or guaranty to the Federal Government that the object of the bill is to be accomplished, and that that question should be left to the States themselves?

Mr. HARRISON. The Congress is going to appropriate this money. I will not express any opinion as to whether they should do so, but they are going to do it. We ought to carry

on the work, in my opinion, through the States. The Senator thinks that it should be carried on through the board here. There is a difference of opinion as to that.

Mr. LENROOT. I should have to oppose the bill unless the Federal Government were given some control, for instance, by the approval of the plans, over the matter of the expenditure of the money. Otherwise, it would simply be a gift of so much money to the States.

Mr. WALSH of Montana. Mr. President, I want to say, before the Senator from Wisconsin quits the discussion of this subject, that I see no reason for the position that the adoption of the amendment proposed by the Senator from Utah would destroy the supervision of the General Government over this matter. That is not the purpose of the amendment suggested by the Senator from Utah at all.

Mr. KING. Mr. President, if the Senator will pardon me, I do not think the Senator from Wisconsin was combating the amendment which I had offered.

Mr. LENROOT. Not by anything I have said. In that connection, however, it seems to me that with the Senator's amendment the fact must exist, but if the Senator's amendment is adopted there is no one to ascertain the fact.

Mr. WALSH of Montana. That is not sound, it seems to me, and that is what I wanted to say in answer to the suggestion made by the Senator from Wisconsin. The plans must conform to the requirements of the act. Now, it is simply a question as to who shall determine whether they do conform or do not conform. Whether they do conform or do not conform is certainly a judicial question, and would be determined not by the Federal official who looks at it from the Federal aspect but by the court that looks at it from the standpoint of the meaning of the act. If the notice was not sent under plans which did as a matter of fact conform to the act, I apprehend that the Federal officer would be subject to mandamus compelling him to send the notice, and thereupon the court would determine whether the plans proposed were in conformity with the requirements of the act or not. So that it would not, as it seems to me, as implied by the remarks made by the Senator from Wisconsin, give carte blanche to the State to spend this money in any way it saw fit.

Mr. LENROOT. Oh, I make no such contention with reference to the amendment of the Senator from Utah. I was merely replying to the suggestion of the Senator from Mississippi; but as to the amendment of the Senator from Utah, it seems to me that does clearly make it a judicial question, while under the bill as it now stands it is not a judicial question.

Mr. WALSH of Montana. That is correct. That is, it is made an administrative matter instead of a judicial matter.

Mr. LENROOT. Yes, sir.

Mr. HARRISON. Mr. President, may we have the amendment suggested by the Senator from Utah stated from the desk?

Mr. KING. Mr. President, it is so hastily written that it is almost undecipherable, so I will read it:

If these plans are in conformity with the provisions and purposes of this act, due notice of approval shall be sent to the State board by the Chief of the Children's Bureau.

Mr. HARRISON. I think that is somewhat better than the other one.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. Beginning with the word "especially," on line 25, page 6, it is proposed to strike out the comma before the word "especially" and the following words:

Especially in remote areas. If the Federal board finds these plans to be in conformity with provisions and purposes of this act, due notice of approval shall be sent to the State board.

And to insert:

If these plans are in conformity with the provisions and purposes of this act, due notice of approval shall be sent to the State board by the Chief of the Children's Bureau.

Mr. LENROOT. Mr. President, before that is voted upon I should like to ask the Senator from Maryland whether the policy of this bill was not to invest in the Federal board a wide discretion as to the approval of the details, and whether it was ever intended that the law itself should cover all of the things, or rather merely an outline?

Mr. FRANCE. The facts are as intimated in the question of the Senator from Wisconsin. It was the purpose to have the bill in a general way outline the work which was to be carried on, and discretion was to be left in the Children's Bureau as to the character of this work and as to the methods.

Mr. LENROOT. If this amendment is adopted, a plan might comply with the act itself in its general outlines and yet fall very far short of accomplishing any real good; might it not?

Mr. FRANCE. That is very true, as the Senator has said. On the other hand, it seems to me that the amendment of the Senator from Utah still leaves discretion in the Children's Bu-

reau, and yet it does not confer upon that bureau the arbitrary power, without any redress, to make a decision. I think the discretion still rests with the bureau, and I think the amendment of the Senator opens the way for an appeal to a court in the case of a controversy. In other words, it removes from the Children's Bureau any power to make a legal judicial decision; and I personally am opposed to lodging judicial power in any official or bureau if it can be avoided.

Mr. LENROOT. Mr. President, let me ask the Senator a question. The language of the original bill is—
finds these plans to be in conformity with provisions and purposes of this act.

The amendment would read:

If these plans are in conformity with the provisions and purposes of this act.

Now, the plans that might be submitted might be perfectly valueless, and yet in their general outline they might be in conformity with the provisions and purposes of this act, certainly not in conflict with them, and yet incapable of carrying out the purposes of the act.

Mr. FRANCE. Mr. President, I think the point made by the Senator from Wisconsin is a very good one, and it illustrates how the procedure would go on. Under those circumstances the Chief of the Children's Bureau would say: "These plans may conform to the provisions of the act, but I do not think so; I think they are not adequate. They are not effective. Your method of procedure would not secure the results"; and the State officials, if they felt otherwise, would have an opportunity to appeal to a court. In the last analysis we would have a judicial decision as to whether or not the plans were suitable and as to whether they were adequate, as well as in conformity with the purposes of the bill.

Mr. LENROOT. I think that might be true; and if this language were amended so as to read "in conformity with the provisions and adequate to carry out the purposes of this act," then you might have it; but as it now stands I think it would not go as far as it ought to go.

Mr. KING. Mr. President, I think the Senator from Wisconsin is indulging in hairsplitting, and yet I have no desire to offer any amendment that would permit any evasion. I think that if this bill is to be enacted into law its provisions and the purposes for which it is to be enacted should be observed. I would not tolerate any evasion by State officials in executing the provisions of this act in perfect good faith. I should be the last one to justify any improper construction of the act. If it is a good act it ought to be carried out, and the State officials ought, in a whole-hearted way, to cooperate with the Federal Government in the execution of the terms of the act; but the point I have in mind is this, and the Senator from Wisconsin doubtless has cognizance of that matter:

In many of these bills which have been passed where authority has been given to Federal boards sometimes incompetent and hypercritical and hypertechanical employees have refused to approve of the course of the States. I have in mind now two illustrations where the Federal officials have refused to approve of activities carried on by one State, which, in the judgment of competent men, measured up to the requirements of the statute, both in letter and in spirit. There is no appeal. The belief is that the Federal officials have acted in a capricious and in an arbitrary manner; and certainly the States ought to be protected against capricious conduct upon the part of Federal officials, because the Senator knows that the administration of these bills too often is placed in the hands of subordinates. Many of the subordinates are incompetent. If the chief had charge of the matter, there would be no controversy; but the responsible officer has not the power, it is not humanly possible, to give attention to all of the details of the plans and the organization. Therefore, subordinate officers are intrusted with the execution of the act; and, as I have stated, too often they are incompetent, and do act capriciously.

The amendment which I have offered is merely for the purpose of protecting the States against capricious action upon the part of the Federal Government. I can see no objection to my amendment, and yet I should not object to the amendment which has just been indicated by the Senator from Wisconsin.

The PRESIDING OFFICER. The question is on the amendment offered by the junior Senator from Utah [Mr. KING].

Mr. SIMMONS. Mr. President—

Mr. LENROOT. Mr. President, if I may ask the Senator from Utah a question before the Senator from North Carolina proceeds—

Mr. SIMMONS. Certainly.

Mr. LENROOT. Would the Senator be willing to accept this as a substitute:

If these plans shall be in conformity with the provisions of this act, and adequate to carry out its purposes, due notice of approval shall be sent by the State board.

Mr. SIMMONS. Mr. President, let me suggest to the Senator that that was my only purpose in rising, to suggest qualifying the word "adequate" there with the word "reasonably," so as to read "reasonably adequate" or "reasonably appropriate and adequate," which, I think, would be better.

I think the amendment quite important. I can see that under the amendment of the Senator from Utah a mere technical compliance on the part of the State in the appointment of this board, and the ordinary agencies which would accompany the execution of the functions of the board, might be held to be conformity on the part of the State, when as a matter of fact it would not provide any efficient scheme for carrying out the purposes of the bill. I think the Federal Government, when it appropriates these large sums of money in cooperation with the State, has the same right as the State to participate in determining the question of whether the State has adequately provided for the accomplishment, through its agencies, of the purposes of the legislation.

If the amendment offered by the Senator from Utah should be further amended by the language of the Senator from Wisconsin, I think it would perfectly safeguard the interests of the Federal Government; but I think if the language is not modified it would leave rather too broad a discretion in the board here in the matter of rejecting or approving the plan adopted by the State. Therefore, instead of the broad language, "plans adequate for the accomplishment of the purposes," I think it ought to be further modified by the use of the term "reasonably" or "appropriately adequate for the accomplishment of the purposes." That would to some extent limit and circumscribe the powers of the board at Washington and would indicate that it was our purpose and intent that they should approve the plan if it was reasonably adequate—not wholly adequate, but reasonably adequate—to accomplish the purposes of the act.

Mr. LENROOT. Mr. President, I offer as a substitute for the amendment of the Senator from Utah [Mr. KING] the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. As a substitute for the amendment proposed by the junior Senator from Utah [Mr. KING] insert:

If these plans shall be in conformity with the provisions of this act and reasonably appropriate and adequate to carry out its purposes, due notice of approval shall be sent to the State board.

Mr. SHEPPARD. By whom?

Mr. LENROOT. By the Children's Bureau.

Mr. KING. By the Chief of the Children's Bureau.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from Wisconsin to the amendment proposed by the junior Senator from Utah.

Mr. KING. Let me ask the Senator from Wisconsin if he thinks, under the language of his substitute, there can be any doubt as to the power of the court to review the decision of the Chief of the Children's Bureau?

Mr. LENROOT. None whatever—by mandamus, if they refuse to approve.

Mr. KING. I so construe it, but if there is any doubt, it should be made clear.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRANCE. I send to the desk an amendment, which will take only a moment, as it is only a change of language.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 1, line 3, after the word "hereby," strike out the word "annually," and after the word "appropriated," in the same line, insert the word "annually."

Mr. KING. How will it read then, Mr. President?

Mr. FRANCE. That amendment is merely to correct a grammatical error.

The READING CLERK. So that it will read:

That there is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated—

And so forth.

Mr. KING. Mr. President, I understood that the amendment offered by the senior Senator from Utah [Mr. Smoot], and which I understood had been formulated in cooperation with the Senator from Maryland [Mr. FRANCE], limited the appropriation to one year.

Mr. FRANCE. No; the Senator is in error about that. It did not do so. If the Senator would like to have it read, I should be very glad to have it read.

Mr. KING. No; if the Senator will just state what the substance of it was.

Mr. FRANCE. It provides \$1,480,000 for the first year, and \$1,480,000 for every year annually thereafter.

Mr. SIMMONS. Has not the Senator rather misstated that? I think it was \$1,000,000 for the first year and \$1,480,000 for each succeeding year.

Mr. FRANCE. Yes; it was an additional appropriation of \$1,000,000 for the first year.

Mr. KING. It is \$1,480,000 for the first year.

Mr. SIMMONS. No; \$1,000,000 and \$1,480,000 for every succeeding year.

Mr. FRANCE. I will call attention to the fact that \$1,000,000 is appropriated for the organization in the first year, and then, in addition to that, there was an appropriation of \$480,000.

Mr. SIMMONS. The Senator is correct. I was not including in my statement the \$480,000 appropriated in \$10,000 sums for each State for the first year.

Mr. KING. Then it is \$1,480,000 for a period of years.

Mr. FRANCE. Yes. We found, after consultation, that it would be better to continue the appropriation, for the reason that the States could not otherwise look forward to the organization of their cooperative work, and it seemed almost necessary to make the annual appropriations in order that the States might look forward to cooperate. I would have been perfectly willing to allow the future appropriations to rest in the hands of future Congresses, but it was impossible to formulate language which would enable the States to look forward in such a way that they could carry on their future cooperative work.

Mr. KING. Did the amendment which was adopted provide that the first appropriation would be available for the fiscal year 1922?

Mr. FRANCE. Yes.

Mr. SIMMONS. I wish to say that, while the amendment agreed upon with reference to the amount to be appropriated does not exactly conform to the suggestions which I made some time ago, I propose to accept the modification without controversy. Nevertheless, I think the Senators in charge of this measure have made a mistake in not leaving the appropriation for subsequent years open to the free action of subsequent Congresses. My own opinion about this measure is that it is one of great importance, it is work that is going to very rapidly expand, and it is going to develop that the amounts specified in the bill as amended will be wholly inadequate for the accomplishment of the great purpose in view. My hope was that no limitation would be placed upon the appropriations hereafter to be made in the interest of an expansion of this great work, believing, as I do, that in this case, as in other cases, when the system has been put into operation, the necessity of a greater amount of money will be disclosed, and estimates will be made by the department with an absolute assurance that if they are within reason they will be responded to liberally by the representatives of the people.

Mr. KING. Mr. President, will the Senator permit an inquiry there?

Mr. SIMMONS. Certainly.

Mr. KING. Does not the Senator think that Congress ought to convey the idea that this activity by the Government is going to expire within a reasonably short time, and that the importance of this work must be so apparent to the States that the States themselves will assume the obligation, realizing that under our form of government the duty rests upon the States not only to furnish education to the people, but to carry on work of this character whenever it is necessary? It seems to me the suggestions of the Senator would seem to indicate that the Federal Government is to commit itself for all time to this work, whereas I have been under the impression that it was to stimulate the States to activities, and that in the end they would assume the entire responsibility themselves, because under our form of government that responsibility ought to be assumed by the States.

Mr. SIMMONS. Mr. President, our experience heretofore has been that when the Federal Government engages in work of this kind it never gets out of it. I doubt very much if we start this method of dealing with this immense subject that the Federal Government will ever free itself from the obligations that it is now taking upon itself of contributing to the expenditures for this purpose.

But, Mr. President, if after we have tried it out it shall be the judgment of Congress at any future time that the Government has carried the scheme to a stage where the States should take it in hand, or if we should conclude that the States can manage it better than the Government, there would be no difficulty in Congress, by legislation, making that fully known by discontinuing the appropriation altogether.

The point I am trying to make is that the fact that we do not make an appropriation for subsequent years ought not to embarrass it at all in formulating the plans and entering upon the work, because I think that nobody will deny that Congress,

by making the initial appropriation, assumes the obligation of carrying on the work, if it is found desirable for Congress to carry it on, and to appropriate such sums of money as Congress, when advised by the bureau administering it, may find necessary to carry on the work. I would rather have it unlimited than to have it limited, especially when the limitation provides for as small a sum as this proposed amendment provides for. I do not know of any greater work that the Government could enter upon than this. We have entered upon similar work with reference to animal life, and we have seen the expense of that grow by leaps and bounds. We have found when we have gotten into the work that it requires much more money to carry it on efficiently than we had anticipated. But we have never hesitated to vote the amounts found to be necessary, and will not hesitate to do so in this case. If there is any case one can conceive of in which the Congress should not take a parsimonious attitude it is this case, dealing with child life, and dealing with the dangers of maternity. The only thing that is necessary is to develop in the execution of the work the benefits that are actually accruing as a result of the work. If that is done, Congress will respond liberally, and \$1,480,000 per year for this great work, to my mind, is parsimonious. I have not attacked the appropriation at any time upon the ground that it was too great. I want a small initial appropriation, but I want the doors left wide open to Congress, without any restrictions, without any limitations in the law, to meet the situation in the future by as liberal a provision as the exigencies of the case may require.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The question before the Senate now is on the adoption of the amendment proposed by the Senator from Maryland [Mr. FRANCE].

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I intend to offer some amendments, but before doing so may I say that I have listened with a great deal of interest to the discussion which has gone on, especially as indulged in by some of the Senators who seem to think that later on, perhaps, Congress will decide that the States can do this work for themselves and will cease making appropriations. One of the most remarkable things in that discussion, Mr. President, is that those suggestions were made with perfectly straight faces. Once the appropriation is made, it will never stop, and we might just as well face that fact. Once the Federal Government adopts the policy of extending Federal aid to States, it will never stop the policy, nor will the States ever ask it to stop the policy. I think I can assure the Senator from Utah [Mr. KING] that that will be the fact. The only questions we have to determine are what are the proper functions for the Federal Government to undertake in this matter of Federal aid, and to determine how far the Federal Government shall go in each of these functions.

As I recollect it, the Federal Government to-day is extending financial aid to the States through the Interdepartmental Social Hygiene Board, which is endeavoring to eradicate diseases of vice in the States. It is cooperating with the State in a financial way in the matter of rehabilitation of those injured in industry. It is cooperating with the State, of course, in the matter of building highways.

Undoubtedly this legislation will go through, which brings the Federal Government into the extension of Federal aid in maternity and child-welfare cases. I would not be at all surprised if the passage of the bill were followed by a very rapid development or extension of Federal functions along these or similar lines; that in all probability this measure, when it is enacted into law, will be followed by some such measure as one calling for the extension of financial aid to the States in the matter of mothers' pensions and of widows' pensions, and that may very well lead to the extension of Federal aid toward helping in stamping out certain diseases, such as tuberculosis—there is already a movement on foot to bring that about—the elimination of cancer, and other misfortunes that afflict the human race.

I think we can well make up our minds, therefore, that the Federal Government is well embarked upon this policy and that the passage of the pending measure will not terminate the policy by any means.

The efforts that I am directing here toward amending the bill are in the interest of simplicity and saving money to the taxpayers, without in the slightest degree, in my humble judgment, hurting the bill itself. I think something should be left to the judgment of the States as to the character of the administrative machinery they are to set up. My amendments are meant to leave to the States that discretion, for I fear that the bill, if enacted in the form in which it is printed, would lead to the creation of a very large number of new political offices which I think are unnecessary.

In lines 11 and 12, on page 4, I move to strike out the words "board of maternal and infant hygiene, consisting of not less than three members," and insert in lieu thereof the word "agency," so that it will read:

That in order to secure the benefits of the appropriations authorized in section 2 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or authorize the creation of a State agency with which the Children's Bureau shall have all necessary powers to cooperate as herein provided in the administration of the provisions of this act.

It is my purpose to move to strike out the next proviso, which becomes unnecessary and merely complicates the measure.

Mr. FRANCE. I will accept that amendment. I think it in no way interferes with the efficiency of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. WADSWORTH].

The amendment was agreed to.

Mr. WADSWORTH. I move to strike out the proviso which commences in line 15, page 4, of the bill, and which reads as follows:

Provided, That in any State having a child welfare or child hygiene division in its State board of health, the said State board of health may be directed to administer the provisions of this act through such divisions.

The amendment which has just been agreed to authorizes the State to designate any agency or to create any agency to do the work, and therefore the proviso is quite unnecessary.

Mr. FRANCE. I think if the Senator will consider that language very carefully he will see that it looks rather to economy than to extravagance. It looks to the utilization of the agencies which may be already in existence.

Mr. WADSWORTH. So does the language of the section as just amended.

Mr. FRANCE. I think the proviso might be stricken out in view of the language which has been presented by the Senator from New York and agreed to. At the same time, I think the language of the proviso does direct the attention of the States to the fact that they may utilize agencies already in existence. I will state in this connection that the amendment offered by the Senator from Utah [Mr. SMOOR] provides that the members of the advisory committee shall serve without pay.

Mr. WADSWORTH. I do not think the Federal Government has any right to say what the States shall do with their own employees in the matter of pay. If the Senator from Maryland will point out any power vested in Congress to forbid a State from paying its employees I should like to know what it is.

Mr. LENROOT. It may be one of the conditions of receiving this aid.

Mr. WADSWORTH. Is it intended that the conditions of receiving this aid go to the extent of regulating the salaries? I hope we have not reached that point.

Mr. LENROOT. It would be one of the conditions that these advisory committees shall serve without pay. It is not attempting to impose upon the States any regulation other than that they must do it if they secure Federal aid.

Mr. WADSWORTH. Then I am against the amendment of the Senator from Utah. We may have a right, by this enticement which we hold out to the States in the matter of financial assistance, to make certain rules and regulations, but are we going to clothe this Federal agency with the right to include a maximum and minimum of salaries which shall be paid by the State governments as a part of the regulations? I think we are going pretty far. Why not abolish the State governments?

Mr. THOMAS. Does not the Senator think that the Federal Government, in appropriating this money for the use of the States, may impose limitations upon the manner of its expenditure?

Mr. WADSWORTH. Yes; in the manner of the expenditure of the Federal Government's money.

Mr. THOMAS. I was going to follow up my suggestion by asking whether the addition of the words "from this fund" or "from this appropriation" would not cover the point. I quite agree with the Senator that we have no right to impose any limitations upon the salaries or compensation of State officials, but we can provide that they shall receive no pay from this appropriation.

Mr. WADSWORTH. I am heartily in favor of such an amendment. I had no idea that it rested in the mind of the Senator from Maryland [Mr. FRANCE] or the Senator from Wisconsin [Mr. LENROOT] that it was a part of the Federal regulations to fix the salaries of State employees. That had not occurred to me until it was just mentioned by them.

Mr. THOMAS. Most of the States are so anxious to get money out of the Federal Treasury that they are willing to concede almost anything.

Mr. WADSWORTH. That is perfectly true.

Mr. THOMAS. But I think the difference between us can be adjusted by inserting the words "from this appropriation" or "from Federal money."

Mr. FRANCE. I directed the attention of the Senator from New York to the fact that members of the advisory committees are to serve without pay because of the fear he has expressed that many new lucrative offices would be created as a result of the appropriation.

Mr. WADSWORTH. May I ask the Senator from Maryland who is to decide that they shall serve without pay?

Mr. FRANCE. The language of the bill, as amended by the amendment of the Senator from Utah, provides that the members shall give their services voluntarily and shall not be paid out of the proceeds of this fund.

Mr. WADSWORTH. In other words, the Legislature of the State of New York could pass a law creating these advisory committees, but it could not pay them if the Federal board said no. Have we reached that point? Why not make it a part of the provision here that this measure shall not be applicable unless there shall be no governor of the State of New York? Where are we going in this matter? Is there no discretion left to the States?

Mr. LENROOT. Will the Senator from New York yield?

Mr. WADSWORTH. Certainly.

Mr. LENROOT. The Senator objected a moment ago to this provision because it would increase the expenses of the State and create new offices. These advisory committees will not exist except under the provisions of the Federal law. It is not a State law, except to carry out the provisions of the Federal law.

Mr. WADSWORTH. If the Senator will allow me to finish, I will describe what I had in mind. I was going to move to strike out lines 19, 20, 21, 22, and 23, and the first two words in line 24, and leave it to the States themselves to decide whether they want State advisory commissions or local advisory commissions, or both, or to pay them or not, as they may choose.

I do not want it placed in the hands of the Federal Government to compel the appointment of local commissions by an order issued from Washington. I think it is going pretty far. Can we not leave that to the people of the States?

Mr. LENROOT. If the Senator's amendment is adopted it will open the door for the States very largely to increase their officials and their expenses through the provisions of this bill.

Mr. WADSWORTH. That is their business.

Mr. LENROOT. As it stands, it would prohibit that.

Mr. WADSWORTH. That is their business, not the business of the Federal Government. It is their money; they raise it by their taxation, and if they want to pay the members of their advisory committees, they may do so. I hope that they will not. The bill as it is printed opens the door to that thing because it confides to the Federal Government the power, first, to compel the States to have advisory commissions, and then, having provided that they must have them, the Federal Government turns around and says you must not pay them. I think that is pretty drastic treatment of a sovereign State. I do not think they should be compelled, in the first place, to have the commissions, but if they are compelled to have them, in the second place they ought not to be prevented from paying what they want to pay them. I do not see how it could affect the efficiency of the act.

Mr. FRANCE. If the Senator will yield—

Mr. WADSWORTH. Certainly.

Mr. FRANCE. I will say they are not compelled to adopt any of this proceeding, but they are compelled to do so if they accept the appropriations which are here made available to them under these conditions.

Has the Senator from New York considered this phase of the question? And I take the liberty of calling his attention to it if he has not, and that is the desirability of having some moderate degree of uniformity in the machinery which a State shall set up as compared with the machinery which shall be set up by another State, in order that there may be somewhat of a standardization of methods, of method of communication, of method of cooperation, of method of association, in case there should be at any time the need of calling the various States together to consult upon a common problem.

It was the thought, I think, in the minds of those who wrote this provision that it would be highly desirable to have some degree of uniformity throughout the States in the machinery, leaving, however, to each State a large amount of discretion as to the details in carrying out the work.

Mr. WADSWORTH. The bill would leave no such discretion as to details in the administration of the provisions of the measure inside of the State boundaries, but I think what the Senator refers to as uniformity in the operation of the pro-

posed law will be brought about by evolution and experience very shortly. However, I do not think we ought to put the whole thing in a strait-jacket in the beginning. I do not believe it is a necessary regulation, to wit, that the States must, if the board says so, appoint advisory committees, both State and local. There are some pretty big States in the Union.

I do not know exactly what the term "local advisory committee means," but it could mean anything that this Federal board wanted it to mean, and three or four persons sitting here in Washington could send word to all the States that in every township in each State there shall be an advisory committee.

Mr. SMITH of Georgia. Has the Senator moved to strike that language from the latter part of line 18 and down to line 24?

Mr. WADSWORTH. I am going to do that.

Mr. SMITH of Georgia. I shall support that motion.

Mr. FRANCE. I do not think that the amendment proposed vitally changes the bill, in view of the more general language which the Senator from New York has moved to have incorporated. I mean the word "agency" instead of "board." The word "agency," of course, will cover any sort of a board or committee, or even individual local health officer.

Mr. WADSWORTH. Anything the State may want.

Mr. FRANCE. So I do not think the rest of it is material, except that it does provide for a certain degree of uniformity. As has been suggested by the Senator from Wisconsin, it also closes the door to the use of this money for the creation of a large number of lucrative offices. I thought that was what the Senator from New York had in mind when he first rose—the prevention of the creation of a large number of lucrative offices.

Mr. WADSWORTH. That is why I offered the amendment using the word "agency," so that the State departments could remain single headed instead of being composed of three members. If the States themselves, on their own volition, elaborate the administration of the law within their own borders, I think they are entitled to take such action, so long as it is not done by the Federal money, as the Senator from Colorado suggests.

Mr. LENROOT. If the Senator from New York will yield at that point, it would be included in the part the State contributed. I think, under the Senator's theory, every dollar of the various State contributions might be used in furnishing political jobs throughout the State.

Mr. WADSWORTH. Here stands the commission clothed with the power to draw the regulations and approve the plans under which the work is to be done.

Mr. LENROOT. Yes; but the Senator objects to this Federal board having anything to say about the State committees or officials.

Mr. WADSWORTH. Mr. President, I objected to the mandatory provisions of the bill to which I have referred so often under which the Federal board may require the State boards or the State agencies to appoint advisory committees, both State and local, to assist in carrying out the purposes of the act. I think that might be left out for the time being. I imagine that a good many States will not want any advisory commissions. I think the State of New York will not want one; it now has too many commissions of all kinds and descriptions; and yet under this act it will be compelled to have another one if the board at Washington says they shall. I do not want the Federal Government clothed with the absolute power to create positions in the States.

Mr. SIMMONS. Does not the adoption of the Senator's amendment, a little while ago, make it absolutely necessary to strike out that part of the bill?

Mr. WADSWORTH. No; I do not think it does.

Mr. SIMMONS. The Senator's amendment, a little while ago, as I understood it, simply provided for the carrying out of this scheme by the States through any agency they might appoint. Now, the language in the proviso is retained which provides that the State board which the Senator's amendment has just destroyed shall appoint an advisory committee, making the proposed act inconsistent with itself.

Mr. WADSWORTH. I think it is inconsistent as a policy.

Mr. SIMMONS. The Senator first proposes to provide for the elimination of the State board and vest the powers which the bill confers upon it in any agency the State may provide. Then immediately follows the provision that the State board shall appoint an advisory committee. The Senator is, therefore, proposing to strike down the State board in one section and retain it in the next section.

Mr. WADSWORTH. Yes; the advisory board.

Mr. SIMMONS. There must be State boards if we are going to have committees appointed by State boards; but the Senator suggested an amendment to provide for eliminating the State boards and vesting these powers in any agency that the State might see fit to establish.

Mr. WADSWORTH. Mr. President, do I understand that the amendment which I first offered, on lines 11 and 12, has been adopted?

The PRESIDING OFFICER (Mr. STANLEY in the chair). The amendment has been adopted.

Mr. WADSWORTH. May I say to the Senator from Maryland, as to the proviso which follows the amendment, that I have no objection to the proviso in lines 15 to 18, inclusive, remaining in the bill, although I think it is surplusage?

Mr. FRANCE. I appreciate that.

Mr. LENROOT. Before the amendment is voted on, I desire to say that I think that is true if the proviso remains as at present framed, but if the word "may" can be changed to "shall," I think it would be very desirable to leave the proviso in, because any State which has a child welfare or child hygiene division in the State board of health will be a proper agency to administer this proposed act. Therefore, before the motion to strike out is voted on, I move, in line 17, page 4, to strike out the word "may" and to insert the word "shall."

Mr. WADSWORTH. I think that is an excellent amendment.

Mr. FRANCE. Mr. President, if the Senator from New York will yield, I desire to say that I understood he would be willing to withdraw his amendment striking out the proviso.

Mr. WADSWORTH. Yes; the first proviso itself, in lines 15 to 18, inclusive, if the amendment of the Senator from Wisconsin is adopted.

Mr. FRANCE. May the amendment be stated, Mr. President?

The PRESIDING OFFICER. The first amendment is that offered by the Senator from Wisconsin [Mr. LENROOT] to strike out the word "may" in line 17 and to insert the word "shall." It is necessary first to vote on that amendment before voting on the amendment proposed by the Senator from New York.

Mr. SMITH of Georgia. Who is to give the direction referred to?

Mr. LENROOT. The law itself.

Mr. SMITH of Georgia. The language proposed is:

Provided, That in any State having a child welfare or child hygiene division in its State board of health, the said State board of health shall be directed to administer the provisions of this act through such divisions.

Directed by whom? Is the Federal board to direct them or is the head of the Children's Bureau to direct them?

Mr. LENROOT. I think the criticism made by the Senator is well taken. I move to strike out the words "may be directed to" and to insert the word "shall." That will accomplish the object.

The PRESIDING OFFICER. The amendment as modified will be stated.

The READING CLERK. On page 4, line 17, it is proposed to strike out the words "may be directed to" and to insert the word "shall."

The PRESIDING OFFICER. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. WADSWORTH. Mr. President, on page 4, I move to strike out lines 19, 20, 21, 22, 23, and the first two words on line 24, for the reasons which I have already given.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 4, beginning in line 18, it is proposed to strike out the following:

The Federal board may require the State boards cooperating under this act to appoint advisory committees, both State and local, to assist in carrying out the purposes of this act; the members of such advisory committees shall be selected by the State boards, and at least half of such members shall be women.

Mr. SMITH of Georgia. Mr. President, I wish to express my very cordial approval of that amendment. If this bill is to be effective, the State boards of health must be given authority to direct it. I do not believe it will work in any other way. The effort to allow the Federal board to require the State boards to appoint advisory committees is hardly wise, in my opinion, for the reason that such committees may or may not be desirable in the various States. The same rule can not work in every State; we must recognize the machinery of the State, and we must in a measure concede to them the authority to perfect plans for administering health work within their borders; and to undertake to control the State boards of health by advisory committees will handicap the work. Nearly every State has a State board of health, selected from their physicians, and they can best do this work.

Mr. FRANCE. Mr. President, while I do not feel that the pending amendment is one which vitally interferes with the provisions of the bill, I do consider that some degree of uniformity is necessary, or at least advisable, in the machinery

which we set up in the States. It was my thought that if unpaid advisory committees were created they would give us a uniformity which would be very desirable; so that in case it was desired to call a conference members of the voluntary advisory committees could be summoned to the conference. I do not feel that the appointment of advisory committees will in any way hamper the work being carried on by the boards of health or by the other agencies which will be created under the bill, in conformity with the language suggested by the Senator from New York. I hope that the Senate will not adopt the amendment and that the section may be allowed to stand as it has now been amended, in a way which makes it very satisfactory.

Mr. SPENCER. Mr. President, may I ask the Senator from Maryland in charge of the bill whether it would be satisfactory to the committee if the requirement as to the Federal board being given the power to appoint advisory committees or to require State boards to appoint advisory committees, whether or not the State boards might care to do so, were modified to provide as follows:

The Federal board may require the State boards cooperating under this act, and with their consent, to appoint advisory committees, both State and local.

I am inclined to think that in Missouri we would like to have such an advisory board; it would interest a large number of people who might otherwise not be interested; and yet I can conceive it may be true, as the Senator from New York has said, that in some States such an advisory board might not be desired. There ought, however, to be the power to give it some official sanction.

Mr. LENROOT. What would be meant by requiring certain action to be taken with the consent of the other parties?

Mr. SPENCER. Under the provisions of the bill it is not provided that they shall be "required," but the word "may" is used so that they may or may not do so.

Mr. LENROOT. The two things are absolutely antagonistic.

Mr. SPENCER. I agree with the Senator as to the word "require," and think we had better change it; but the point is to give to the Federal board the right, with the consent of the State, to have an advisory board in the State so that it would have some official connection with the administration of the law.

Mr. FRANCE. If the Senator will suggest that amendment, it will be agreeable to me personally.

Mr. SPENCER. May I ask the Senator from New York if it will be agreeable to him?

Mr. WADSWORTH. I do not understand just what part the Senator wants to change.

Mr. SPENCER. After the word "act," in line 20, there would be added the words "and with their consent," so that it would read:

The Federal board may require the State boards cooperating under this act, and with their consent, to appoint advisory committees.

In other words, it would not be compulsory upon any State unless the State desired it.

Mr. WADSWORTH. That is all I am aiming at, and we will get that result by striking out the entire language.

Mr. SPENCER. Yes, Mr. President; we may get the same result; but if we strike out the entire language we give the advisory boards no official standing whatever. There will be no provision for them in the law, whereas the amendment I have suggested accomplishes, I think, what the Senator from New York has in mind, and yet does give to the advisory boards a certain official standing. I should like to see the advisory boards created; I think we would like them in Missouri.

Mr. WADSWORTH. Let me call attention again to how the language would read if the suggestion of the Senator from Missouri were adopted. It would read:

The Federal board may require the State boards—

Require the State boards—

cooperating under this act to appoint, with their consent, advisory committees.

Mr. SMITH of Georgia. The word "require" should be changed to "authorize."

Mr. SPENCER. That is the very suggestion I was about to make.

Mr. SMITH of Georgia. It should read "authorize the State boards, with their approval."

Mr. SPENCER. It would read better if the word "require," in line 19, were changed to "authorize," and after the word "act," in line 20, there were added the words "with their consent."

Mr. WADSWORTH. That is a vast improvement.

Mr. FRANCE. Mr. President, that would meet the situation, if it is possible for the Federal Government to authorize

such State boards to do a certain thing. I would suggest, however, the word "request" instead of the word "require."

Mr. WADSWORTH. Oh, no; that is a very different matter.

Mr. WATSON. "Authorize" is better.

Mr. FRANCE. The word proposed is satisfactory to me, and I think it meets the suggestion of the Senator from New York.

Mr. SPENCER. Then, if I may be permitted, I move that the word "require," in line 19, be changed to "authorize."

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 4, line 19, it is proposed to strike out the word "require" and insert the word "authorize," so as to read:

The Federal board may authorize the State boards cooperating under this act.

And after the word "act" to insert the words "and with their consent."

Mr. SPENCER. "And with the consent of said State board," in order that there may be no doubt to whom it refers.

Mr. SIMMONS. Mr. President, I want to ask the Senator from New York if under his amendment which we have just adopted that authority is not implied? Why is it necessary for the Federal board to authorize the State to do it when you have just provided that the State shall frame its own plan for the administration of this act?

I dislike very much to see such a flagrant inconsistency. You have provided now that the State shall have authority under this law to provide its own agencies for its administration. That has been done upon the insistence of several Senators here that the Federal Government should not control the State machinery for the enforcement of this law. Now it is proposed to authorize the establishment of a committee to be authorized by the Federal Government and not by the State government. If the State government wants a committee under the authority which the Senator's amendment gives the State government to prescribe the method of enforcement of this law, it can appoint a committee.

Mr. WADSWORTH. It can.

Mr. SIMMONS. It does not at all prevent the carrying out of the idea of the Senator from Missouri. If in his State it is thought better to have a plan by which there is to be a State board or an advisory committee, that State, under the authority given by the Senator's amendment, can establish it. There is no necessity for giving a State authority for doing a thing which a provision of the law in broad language authorizes it to do if it wants to do it.

Mr. WADSWORTH. I think the Senator is absolutely right. That is all I have been endeavoring to accomplish, and when I first moved to strike out lines 19 to 24 it was to do away with the mandatory feature which would compel a State to adopt a certain machinery.

Mr. SIMMONS. Of course, we are going to strike this language out, because it is inconsistent.

Mr. WADSWORTH. I am perfectly willing to strike it out. The Senator from Missouri now suggests that the teeth be taken out of that language and that it be really left to the discretion of the States, after all. I think they have that discretion anyway. I think that is quite meaningless.

Mr. SIMMONS. It is absolutely meaningless.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. SPENCER. Yes.

Mr. WALSH of Montana. I desire to register an objection to the language proposed by the Senator from Missouri, the validity of which, I think, will be apparent.

I do not think we ought to frame a Federal statute which would grant any kind of authority to State officials. They derive their authority from some other source. We ought not to authorize them. The same fault is found in the succeeding sentence, which I should like to remodel. It reads:

In any State, the legislature of which does not meet in 1920, the governor of that State, so far as he is authorized to do so, may accept the provisions of this act and create a State board of maternal and infant hygiene.

The Federal statute is reposing powers in the governor of the State. That is an eminently inadvisable way to legislate. It seems to me the purpose that everyone has in this matter could be easily accomplished by just using the word "recommend" instead of "require," so that it shall read:

The board shall recommend to the State boards cooperating under this act the appointment of advisory committees, both State and local, to assist in carrying out the purposes of this act.

Then the Federal board will send out a recommendation that these advisory committees be constituted, and set forth their

reasons why they should be constituted; and then, if the State was so situated as that its machinery could not accept the recommendations, or there were local reasons why it could not do so, that would dispose of the matter; and thus, so far as uniformity could be accomplished, it would be accomplished.

I should revolt at the idea of our attempting to repose power in State officials. They derive their power from their own State constitutions.

I accordingly suggest, in that same connection, the remodeling of the succeeding sentence, so that it shall read in this way:

If, in any State the legislature of which does not meet in 1920, the governor of that State, so far as he is authorized to do so, shall accept the provisions of this act and create a State board of maternal and infant hygiene of not less than three members, or designate a division of child welfare or child hygiene in the State board of health, to act in cooperation with the Children's Bureau, the said Children's Bureau shall then recognize such State board for the purposes of this act.

That is to say, just insert the word "if" before the sentence commences, change "may" to "shall," and cut out the period after the words "Federal board" in line 5, so that if the governor is authorized to do so, and he shall create such an agency, then the Children's Bureau shall recognize it. Thus you escape the anomaly of Congress assuming to grant powers to State officials.

They derive their powers logically, of course, from the constitution and laws of their own States. So that here, if you should direct the Children's Bureau to recommend to the various State boards the appointment of advisory committees, State and local, it seems to me that you would thus meet the views of all the Members who have expressed themselves.

Mr. SPENCER. Mr. President, so far as I am concerned, I think the suggestion of the Senator from Montana is excellent. I think it is a better word than my own or the other one that was suggested—to change the word "require," in line 19, to "recommend," and let the language read:

The Federal board may recommend.

Mr. WALSH of Montana. Strike out the words "may require," and insert in lieu thereof "shall recommend to."

Mr. SPENCER. Instead of saying "shall recommend to," I should suggest "may recommend to."

Mr. WALSH of Montana. I should put it "shall." Apparently, that is the sense. The sense is that these advisory boards, wherever they can be organized, ought to be organized; and so we direct the Children's Bureau to make that recommendation.

Mr. FRANCE. Mr. President, will the Senator from Montana make that as a motion?

Mr. WALSH of Montana. I offer that as an amendment. The Senator has indicated his willingness to accept it.

Mr. SPENCER. I withdraw my recommendation.

Mr. SHEPPARD. Should not the words "Federal board" be changed to "Children's Bureau"?

Mr. WALSH of Montana. I understand that that has already been done, so that it will read:

The Children's Bureau shall recommend to the State boards cooperating under this act the appointment of advisory committees, both State and local, to assist in carrying out the purposes of this act.

Mr. SMITH of Georgia. "Shall" or "may"?

Mr. WALSH of Montana. "Shall."

Mr. WADSWORTH. Mr. President, does the Senator from Maryland think it is wise to make that mandatory upon the Federal agency?

Mr. FRANCE. Yes; I feel that it is wise, as the Senator from Montana has suggested.

Mr. WADSWORTH. You are setting up here a Federal agency of three or four persons, and it is assumed that they are going to know more about what is needed in the way of administration in the States than anybody else in and about Washington. You put in the act creating the board a provision that they must recommend the creation of advisory committees. Now, I do not believe that is necessary.

Mr. FRANCE. It is not material.

Mr. WADSWORTH. If they determine that it is wise, they can do so. If they determine that it is not wise to recommend the formation of advisory committees, they ought not to be compelled to make the recommendation.

Mr. WALSH of Montana. If it is agreeable to the chairman, I am quite willing to substitute the word "may" for "shall."

Mr. WADSWORTH. With that change, I have no objection to the language between lines 19 and 24, if it shall read "the Children's Bureau may recommend."

Mr. LENROOT. Mr. President, will the Senator yield? I should like to ask if the technical language in the bill is not "Chief of the Children's Bureau"?

Mr. FRANCE. "The Children's Bureau." The words "Children's Bureau," however, are defined in the amendment of the

Senator from Utah so that the Chief of the Children's Bureau is included; so that point is covered.

Mr. LENROOT. Very well.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator from Montana if he will now repeat the language of the bill as he would like to have it read, with the changes included which he has suggested, commencing on line 24?

Mr. WADSWORTH. Mr. President, has the amendment on line 19 been adopted? I should like to know about that before we proceed to another.

Mr. WALSH of Montana. I understand that the proposed amendment of the senior Senator from Utah [Mr. SMOOT] included every case in which the words "Federal board" appeared, and that there was substituted in lieu of those words "the Children's Bureau."

The PRESIDING OFFICER. The attention of the Chair is called to the fact that the amendment changing the words "Federal board" to "Children's Bureau" wherever they appear in the bill has not yet been made.

Mr. SHEPPARD. I suggest to the Senator from Utah that he make that request.

Mr. SMOOT. I was just going to ask that it be agreed to now.

Mr. BRANDEGEE. Can it not be agreed to now that the words "Children's Bureau" shall be inserted wherever the words "Federal board" appear throughout the bill?

The PRESIDING OFFICER. There is another amendment before the Senate. That can only be agreed to by unanimous consent.

Mr. SHEPPARD. I understand that the senior Senator from Utah asked unanimous consent that that change be made.

Mr. SMOOT. If there is an amendment pending now, let it be agreed to and disposed of, and then I shall ask unanimous consent that wherever the words "Federal board" occur in the bill they shall be stricken out and the words "Children's Bureau" inserted.

Mr. WALSH of Montana. Then the sentence would read:

The Federal board may recommend to the State boards—

Mr. BRANDEGEE. "The Children's Bureau."

Mr. WALSH of Montana. But that has not yet been done. It will read:

The Federal board may recommend to the State boards cooperating under this act the appointment of advisory committees, both State and local, to assist in carrying out the purposes of this act; the members of such advisory committees shall be selected by the State boards, and at least half of such members shall be women.

Mr. FRANCE. Mr. President, will the Senator from Montana incorporate in his amendment the other changes which he suggested?

Mr. WADSWORTH. Mr. President, may I interpose a suggestion there? The Senator from Montana has made some additional suggestions applicable to the next sentence, and I also have some amendments to the next sentence, and the two can be combined.

Mr. WALSH of Montana. I think perhaps we had better dispose of this sentence first.

Mr. FRANCE. I have no objection to the amendment, as perfected by the Senator from Montana, to the language between lines 19 and 24.

Mr. WATSON. Mr. President, why can not the amendment be stated, and let us act on it, and make some headway?

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 4, line 19, strike out the word "require," and insert in lieu thereof the words "recommend to"; on line 20, page 4, strike out the words "to appoint," and insert in lieu thereof the words "the appointment of."

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, just to straighten out the inconsistency which occurs in the next sentence, perhaps it would be wise for me to offer an amendment before the Senator from Montana [Mr. WALSH] offers his. I have two to offer. On line 2, of page 5, after the word "and," I move to insert the words "designate or," so that it will read "may accept the provisions of this act and designate or create a State board," and so forth.

Mr. FRANCE. Mr. President, I think that is a very helpful amendment.

Mr. WADSWORTH. Is there any objection to that, Mr. President? The reason for it is perfectly obvious.

The amendment was agreed to.

Mr. WADSWORTH. Now I move to insert, in line 2, page 5, after the word "State," the word "agency," and to strike out the rest of the line, and all of lines 3 and 4, down to and including the word "health," so that it will read, "designate or create a State agency to act in cooperation with the Federal

board." That makes it conform with the amendment already adopted to the first part of section 4.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, that principle having been established, I make a request similar to one which the Senator from Utah made, that hereafter, throughout the bill, where the words "State board" occur, the language be changed to read "State agency." I move that amendment.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, I move to insert, after the word "women" and the period, in line 24, page 4, the word "If"; on page 5, line 1, to strike out the word "may" and insert the word "shall"; and after the word "board," in line 5, page 5, to strike out the period, so that the sentence shall read:

If in any State, the legislature of which does not meet in 1920, the governor of that State, so far as he is authorized to do so, shall accept the provisions of this act and designate or create a State agency to act in cooperation with the Children's Bureau, the said Children's Bureau shall then recognize such State board for the purposes of this act until the legislature of such State meets.

Mr. LENROOT. I would like to have the Senator's construction of that language. Is it intended to mean that, although there may be no authority whatever in the governor of the State to accept the provision of the act, he may accept them and have the State receive all the benefits of the act?

Mr. WALSH of Montana. It is expressly provided that he can not do anything unless he is authorized to do so, and he must be authorized to do so by the State law. The point I am making is that we can not confer on the governor of the State the power to create or designate a board. If he has that power, he must of course get it from the State constitution or the State law; but if he does that, then the Children's Bureau, being authorized, will recognize that agency as meeting the requirements of the act.

Mr. LENROOT. One other question. That is the construction I give it in its original language, but does not the Senator's amendment change that construction? In other words, if the Senator's amendment is adopted, could not the governor of the State file a certificate merely stating that, "in so far as I have authority I accept the provisions of the act and designate this agency," and will not the State then be entitled to the money, although there will be no authority whatever in the governor to accept it?

Mr. WALSH of Montana. The amendment proposed by me does not alter that situation at all.

Mr. LENROOT. I think it does.

Mr. WATSON. May we not have the amendment reported, so that we can tell what it is?

Mr. SHEPPARD. Mr. President, before the Secretary reads the suggested amendment I ask the Senator from Montana if he will not also substitute the year "1921" for "1920."

Mr. WALSH of Montana. That should be done. That is what I had in mind. But, before the amendment is reported, if the Senator from Indiana will pardon me, I call attention to one fact, for the purpose of showing that there is no change made, so far as the authorization is concerned. The original draft reads:

In any State the legislature of which does not meet in 1920 the governor of that State, so far as he is authorized to do so—

Authorized how?

So far as he is authorized to do so, of course, by the constitution and the laws of his State. It continues—

may accept the provisions of this act and create a State board of maternal and infant hygiene.

That is to say, we say to the governor of the State of Montana or the governor of the State of New York, "You may create a bureau or board of maternal and infant hygiene."

The point I object to is telling the governor of a State that he may do so and so. I want to provide that if he does so, then the Children's Bureau will recognize that agency as the agency of the State.

Mr. LENROOT. If instead of putting the word "If" where the Senator proposes, in line 25, he should strike out the words "so far as" and insert "if," would he not accomplish his purpose and make the construction very clear?

Mr. WALSH of Montana. I did not get that.

Mr. LENROOT. Instead of the amendment the Senator proposes, if line 25 be amended by striking out the words "so far as" and inserting the word "if" in that place, will the Senator not accomplish what he desires and make the construction very clear, so that it will read, "if he is authorized to do so, may accept," and so forth?

Mr. WALSH of Montana. But the Senator does not reach the point I am endeavoring to arrive at. What I object to is authorizing the governor to create a board, which we do by

saying "if he is authorized to do so he may create a board." We can not authorize him to create a board. We can not delegate any authority to him of that character. But if he is authorized to do so and he does so, then the Children's Bureau will accept that work.

Mr. SPENCER. Would the Senator from Montana have any objection to inserting after the word "shall," as he changes it, in line 1, page 5, the words "under the provisions of law"? That would meet the objection of the Senator from Wisconsin [Mr. LENROOT], which seems to me to have merit in it. It would then read:

If in any State, the legislature of which does not meet in 1921, the governor of that State, so far as he is authorized to do so, shall, under the provisions of law, accept the provisions of this act and create a State agency.

And so forth.

Mr. WALSH of Montana. That would be entirely satisfactory.

Mr. SPENCER. Then there will be no doubt about the governor's action, if he did have the authority.

Mr. WALSH of Montana. I should have no objection to that. The only point I make is that if under the Constitution and laws of his own State he does it, the Children's Bureau will accept it.

Mr. SPENCER. Exactly. May we hear the proposed amendment, Mr. President?

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 4, line 24, before the word "In" insert the word "If"; on line 25, strike out the numerals "1920" and insert the numerals "1921"; in line 1, page 5, strike out the word "may" and insert "shall, under the provisions of law," so that the paragraph will read:

If in any State, the legislature of which does not meet in 1921, the governor of that State, so far as he is authorized to do so, shall, under the provisions of law, accept the provisions of this act and designate or create a State agency to act in cooperation with the Federal board—

And so forth.

Mr. McCUMBER. Mr. President, let me suggest to the Senator from Missouri if it would not be better to insert, in place of what he desires to insert, the words "by law," so that it will read "so far as he is authorized by law," merely inserting "by law."

Mr. SPENCER. That would not at all meet what I had in mind.

Mr. McCUMBER. Probably I did not understand what the Senator really desired.

Mr. SPENCER. Without the amendment suggested by me, it might well be that a governor would certify that, so far as law authorized him to do so, he accepts the provision, and automatically that would make available the Federal appropriation, when, as a matter of fact, the authorization of the State law was not anywhere near sufficient to give him the authority to accept unqualifiedly. The governor ought not to be allowed to accept unless under the law he has the authority to make the acceptance which he seeks to make. That is what the amendment protects, and that is what the amendment of the Senator from North Dakota does not protect.

Mr. McCUMBER. I think the effect would be the same.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

The amendment was agreed to.

Mr. SMOOT. On page 4, line 24, I move to insert after the word "women" a comma and the words "all of the members of which advisory committees shall serve without compensation."

The amendment was agreed to.

Mr. WALSH of Montana. I move that the word "of," in line 21, page 6, be stricken out, and that the word "for" be inserted in lieu thereof.

The VICE PRESIDENT. The Secretary will report the amendment.

The READING CLERK. On page 6, line 21, after the word "provision," strike out the word "of" and insert the word "for," so that it will read, "the provision for instruction."

The amendment was agreed to.

Mr. SMOOT. On page 9, line 16, I move to strike out the words "as chairman of the Federal board," so that it will read:

That the Secretary of Labor shall include in his annual report to Congress a full account of the administration of this act and of the expenditures of the moneys herein authorized.

The amendment was agreed to.

The VICE PRESIDENT. The Chair calls the attention of the Senator from Utah to the fact that there is an amendment which has not yet been agreed to. The Secretary will state it.

The READING CLERK. On page 4, line 14, and wherever thereafter they appear, strike out the words "Federal board" and insert in lieu thereof the words "Children's Bureau."

Mr. SMOOT. I thought that had been agreed to.

The VICE PRESIDENT. It has not yet been agreed to.

Mr. SMOOT. I ask that the amendment be agreed to.

The amendment was agreed to.

Mr. HENDERSON. I was just about to ask the Senator from Utah with reference to that amendment. I would also like to ask if the amendment proposed by the Senator from New York [Mr. WADSWORTH] that wherever the words "State board" appear in the bill it now shall read "agency," has been agreed to?

The VICE PRESIDENT. That amendment has been agreed to. The bill is still as in Committee of the Whole and open to further amendment.

Mr. HITCHCOCK. On page 6, in line 2, after the word "elsewhere," I move to strike out the words "to rent buildings outside of the city of Washington." I ask whether the Senator in charge of the bill will be willing to accept that amendment.

Mr. FRANCE. I will not object to that amendment.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 6, lines 2 and 3, strike out the words "to rent buildings outside of the city of Washington."

The amendment was agreed to.

Mr. HITCHCOCK. In the same section, section 6, unlimited power is given to employ assistants, clerks, and other persons, without any limitation of salary. As we have always found that to be a bad practice heretofore, I move the insertion of the following amendment—

at salaries or compensation to be fixed by the Secretary of Labor and corresponding to those fixed by law for similar services elsewhere in Government employ.

I suggest to the Senator from Maryland the acceptance of the amendment.

Mr. FRANCE. I think that is a very suitable provision.

Mr. HITCHCOCK. It should be inserted after the word "elsewhere," in line 2, page 6.

Mr. BRANDEGEE. Will the Senator State once more the provision about the approval of the Secretary of Labor?

Mr. HITCHCOCK. I will ask that the Senator read the amendment.

The reading clerk again read the amendment.

Mr. BRANDEGEE. Why is it necessary, if the Children's Bureau is to have jurisdiction of this question, to have the salaries determined by the Secretary of Labor? It seems to me the Senator's provision that the salaries shall be similar to those of other Government employees in similar work is sufficient. I would not think it necessary that the Secretary of Labor should have the arbitrary right to fix these salaries.

Mr. HITCHCOCK. I will say, in answer to the question, that it seems to me the fixing of a salary is of sufficient importance, where it is not fixed by law, to go to the head and have the approval of the executive head of the department in which the bureau operates. I do that because of the additional responsibility vested in a Cabinet officer. The Secretary of Labor would merely approve a salary suggested, I suppose, by the head of the Children's Bureau, but it should have his sanction.

Mr. LENROOT. Will not the Senator make it read "approved" rather than "fixed"?

Mr. HITCHCOCK. I have not any objection to that. I will accept that modification.

Mr. BRANDEGEE. Fixed by the Children's Bureau, subject to the approval of the Secretary of Labor.

Mr. HITCHCOCK. At salaries approved by the Secretary of Labor, but not more than those fixed by law for similar services.

Mr. BRANDEGEE. I have no objection to that, but I assume it to mean that the Children's Bureau is to fix them, subject to the approval of the Secretary of Labor. I did not know whether it would be considered that the Secretary was to fix them in the first place.

Mr. HITCHCOCK. No. A good deal of initiative would be in the bureau.

Mr. KING. I would like to ask the Senator from Nebraska whether the amendment to which he refers deals with the 5 per cent which would be subtracted from any sum appropriated for salaries or whether it deals with salaries which are already paid to employees of the bureau, or both?

Mr. HITCHCOCK. I understand it only deals with those which are created by the bill.

Mr. KING. Are there any salaries to be paid under the bill other than those which will come from the 5 per cent fund, to which reference is made in section 5?

Mr. HITCHCOCK. I am not competent to answer that question. I have had no management of the bill. This applies evi-

dently to the salaries of those persons whose employment is authorized by the bill.

Mr. KING. I would like to ask the Senator from Maryland [Mr. FRANCE] or the Senator from Texas [Mr. SHEPPARD] whether any money will be paid for compensation or expenses or salaries in the administration of the bill, except from the fund of 5 per cent provided for in section 5?

Mr. FRANCE. I believe not.

Mr. SHEPPARD. That is my understanding also.

Mr. LENROOT. Of course, the Chief of the Children's Bureau, it being a statutory provision, would not be included in the 5 per cent.

Mr. KING. I assume a great deal of the work which is called for by the bill is already being performed by the bureau.

Mr. FRANCE. That is true.

Mr. KING. Is it contemplated that the persons who are now performing work which the bill will perhaps increase, shall, in addition to the salaries and compensation which they are now receiving, get 5 per cent additional?

Mr. FRANCE. I think not, if the question is addressed to me.

Mr. KING. I addressed the Senator from Maryland.

Mr. FRANCE. I think that would be very bad practice.

Mr. KING. I think so, too. It would seem to be a duplication and an increase in salaries where it would not be warranted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK].

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

Mr. HARRIS. Mr. President, on yesterday when an amendment to this bill was being voted upon I stated that I had a pair with the junior Senator from New York [Mr. CALDER], and not knowing how he would vote on the amendment, I therefore withheld my vote. However, the junior Senator from New York having informed me that he is in favor of the bill, and as I have favored it both as a member of the committee and on the floor, I shall be glad to cast my vote for the measure.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS IN HOLIDAY SEASON.

Mr. SMOOT. Mr. President, I offer the following unanimous-consent agreement.

The VICE PRESIDENT. The Secretary will read the proposed agreement.

The reading clerk read as follows:

It is agreed, by unanimous consent, that on Monday, December 20, 1920, the Senate, at the close of the routine morning business, will adjourn until Thursday, December 23, 1920, and that at the close of routine morning business on Thursday, December 23, 1920, the Senate will adjourn until Monday, December 27, 1920, and during the period from December 20, 1920, to December 27, 1920, no business other than routine morning business will be transacted, and that no bills or resolutions shall be passed.

The VICE PRESIDENT. Is there any objection?

Mr. SMITH of South Carolina. May I ask to what date that contemplates going?

Mr. SMOOT. December 27. I will say to the Senator that the reason it was not extended beyond that time was because the War Finance Corporation bill, for the relief of farmers, will come from the House on Friday next, as I am informed, and I thought it would be very proper to take that up on Monday and act upon it in the Senate, if possible.

Mr. SMITH of South Carolina. Of course, I would not put anything in the way of giving relief to that situation, but that would necessitate a return to Washington by a great many of us leaving for the Christmas holiday, or else we will have to remain here, because those who are away a night-and-day run would necessarily have to leave their homes on the Christmas holiday in order to be here on the 27th. It seems to me nothing will be gained by that procedure, so far as any holidays are concerned. There is a good deal of matter that might be disposed of. If we are only going to take that kind of a recess, it might be best to go on with the ordinary business of the Senate.

Mr. SMOOT. That is perfectly satisfactory to me. I thought the Senator from South Carolina was in favor of this proposed agreement.

Mr. SMITH of South Carolina. What I was in favor of was—

Mr. SMOOT. I am perfectly willing to withdraw it.

Mr. SMITH of South Carolina. Just let me state that I was hoping that when we took a recess for the Christmas holidays we might be able to include the two—Christmas and New Year's

Day—as both of them come on a Saturday. If we could get the measure to which the Senator refers over here during the coming week, we might dispose of it, so that when we do take a recess for the holidays it may include the two and not break into the continuity of our holiday.

Mr. SMOOT. I thought of that myself, but I am told by the chairman of the Ways and Means Committee of the House that it is absolutely impossible to secure the passage of that measure before Thursday evening. Therefore it could not be over here before Friday, and we could not get a report out of the committee and get it passed during that day. Then the very next day is Christmas. So it seemed to me that this was the only way, if we wanted a week, and that after Monday, if we have not anything special—

Mr. ROBINSON. Mr. President—

Mr. SMOOT. Just a minute. If we have not anything special on the 27th, the Senate could adjourn until the following Thursday.

Mr. ROBINSON. The proceeding which the unanimous-consent agreement contemplates would require Senators who are interested in the measure referred to to remain here until the 27th.

Mr. SMOOT. No; not necessarily.

Mr. ROBINSON. Why not?

Mr. SMOOT. Because that measure will not be here until the 27th.

Mr. ROBINSON. But Senators who live in remote parts of the country can not get home and return by the 27th. Take the case of myself. I can not leave here Monday or Tuesday and get back for the session on the 27th.

Mr. SMOOT. The Senator could leave to-night if he wanted to do so, and get back on the 27th.

Mr. ROBINSON. I could not spend Christmas day at home and get back by the 27th, because there is no schedule time that would put me back here. This arrangement is the very worst that could be suggested in so far as the holiday season is concerned. It would be much better to have the Senate stay in continuous session rather than make the arrangement the Senator from Utah has suggested. The Senator discussed this matter with me some hours ago, as he will recall, and he had another arrangement which was satisfactory to me, and I think it would be satisfactory to other Senators.

Mr. SMOOT. I have prepared that unanimous-consent agreement in accordance with the discussion which first led to it, and I have another, which I will read.

Mr. SMITH of South Carolina. Before the Senator reads it, let me make this suggestion to him.

If we were to return on Monday, the 27th instant, and that bill were returned from the other House, it would be referred to the proper committee on this side of the Capitol, and it would be some four or five days or perhaps longer before the committee would report it. It evidently would be discussed at considerable length here. There would be only about five days between that and New Year's Day. If we were to come back here on the following Monday, which is the 3d of January, I do not think any time would be lost, and business certainly would be better attended to than to have the lack of a quorum here during the period of the Christmas holidays.

Mr. SMOOT. Mr. President, I will read the proposed unanimous-consent agreement which I first prepared, and I should like Senators to follow it. Then I care not which one we adopt. It is as follows:

It is agreed, by unanimous consent, that beginning with Monday December 20, 1920, and until Monday, January 3, 1921, the Senate will meet each Monday and Thursday, and at the close of the routine morning business, on Monday, December 20, 1920, Thursday, December 23, 1920, Monday, December 27, 1920, and Thursday, December 30, 1920, the Senate will adjourn; and during the period from December 20, 1920, to December 30, 1920, no business other than routine morning business will be transacted, and that no bills or resolutions shall be passed.

Mr. SMITH of South Carolina. Mr. President, I desire to suggest an amendment in the wording of the proposed agreement. Instead of reading "at the close of the routine morning business on Monday," I suggest that it read, "at the close of the regular business on Monday," so as to give us a full day on Monday in which to transact whatever business we may desire.

Mr. SMOOT. That is really what the agreement provides, for it only extends to Thursday, December 30, 1920; so that when we adjourn on that day to Monday, of course, we shall meet in regular session.

Mr. SMITH of South Carolina. I am speaking about Monday, December 20, next Monday. The Senator's proposal read "at the close of the routine morning business." Why not say "at the close of the business of that calendar day," in order to give us a full day to go on with the business of the Senate?

Mr. SMOOT. The proposed agreement might be so amended. Mr. SMITH of South Carolina. I think that would be better.

Mr. SMOOT. The only reason I did not so frame the agreement, I will say to the Senator, was because many Senators told me they desired to leave the city to-night and to-morrow; and I thought, that being the case, we would not try to do very much business on Monday. However, I myself think the Senator's suggestion is a very good one.

Mr. HITCHCOCK. Let me ask the Senator a question. Suppose the War Finance Corporation bill should come back to the Senate on Monday?

Mr. SMOOT. It will.

Mr. HITCHCOCK. Under this proposed agreement could it be considered and passed?

Mr. SMOOT. No; it could not, and I think perhaps the Senator's suggestion is a wise one.

Mr. HITCHCOCK. Then the agreement should be modified so as to make such action possible.

Mr. SMITH of South Carolina. I suggest that the Senator modify the agreement so as to make it read "the calendar day of Monday."

Mr. McKELLAR. Is the Senator from Utah certain that the War Finance Corporation bill will come to the Senate by Monday next?

Mr. SMOOT. I am so informed.

Mr. McKELLAR. I understood it would be passed this afternoon.

Mr. SMOOT. It is now before the other House, and I am told that it will pass before adjournment to-day.

Mr. McKELLAR. If it should not pass the House to-day but should pass on next Monday, we would like an opportunity in the Senate to pass it on Tuesday.

Mr. SMOOT. I think the order is that it shall pass to-day.

Mr. SMITH of South Carolina. My understanding is that the House have adopted a rule that there shall be a three hours' debate on the bill, and that it shall then be voted on.

Mr. SMOOT. Yes.

Mr. HARRISON. May I ask the Senator from Utah if he will not incorporate in the request for unanimous consent a provision that we shall vote on the nitrate bill at a certain time on next Monday?

Mr. SMOOT. We can not do that.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from Utah, if I may, why we should adjourn at all?

Mr. SMOOT. If there were any appropriation bills in the Senate ready for consideration, I should be opposed to adjourning at all.

Mr. ROBINSON. I can tell the Senator from Colorado why we should adjourn. Some of us want to go home for the holidays.

Mr. THOMAS. Mr. President, that is a very good and laudable reason, of course. We have only until the 4th of next March to pass 13 great appropriation bills; we have a great deal of business besides that. We were elected to perform the duties that appertain to the Senate and to the House of Representatives. At this time, when we have so much business to transact, I shall object to any adjournment at all. Let us stay here and attend to our affairs. The idea of taking two weeks' vacation at a time like this, in my judgment, is not to be considered favorably for a moment.

Mr. ROBINSON. Do not spoil the whole thing.

Mr. THOMAS. I am not spoiling anything. I have not been consulted. This is the first I have heard of it.

Let me say, while I am on my feet, that I was not aware when I came in that the Sheppard-Towner bill had been passed; and I desire to take this opportunity of stating for the Record that if I had been here, although it would have been unavailing, I should have voted in the negative. However, I object to the custom of adjourning for two weeks for the Christmas holidays in order to permit Senators to go home. Let us stay here and attend to business.

The VICE PRESIDENT. That ends the request for unanimous consent.

Mr. SMOOT. Yes; that settles that.

Mr. ROBINSON. With the consent of the Senator from Utah [Mr. Smoot], I take the manuscript which he has recently submitted to the Senate and move that the program outlined therein be the order of procedure in the Senate.

Mr. THOMAS. Oh, Mr. President, I know that can be done.

Mr. ROBINSON. That is the reason I make the motion.

Mr. THOMAS. That is what I want done. It may be that everybody will vote for the motion except myself—

Mr. ROBINSON. Very well.

Mr. THOMAS. But I want a roll call on it, in order that the country may know what is the action the Senate of the

United States with all its business before it. The Senate has no right to waste the time of the country and of itself by now taking an adjournment when there is so much business before it. Of course, the Senate can adjourn if it wishes to; I can not help it; but I have made my protest.

Mr. ROBINSON. I move the adoption of the following order to govern the procedure of the Senate—

Mr. TOWNSEND. Mr. President, I have a great deal of sympathy with the position of the Senator from Colorado [Mr. THOMAS]. We have been away from the Senate now for about six months, a much longer vacation than we have had for many years. I have never known the fact that Congress was in session to be an insuperable objection to a Senator going home. Pairs can undoubtedly be arranged for those Senators who desire to go away, and the Senate can continue in session except for the actual holidays or a day or two preceding them.

I feel that it is the duty of the Senate, instead of adjourning at this time, so soon after we have assembled following a long vacation, to take care of some of the work that is before us. We have got into the habit during the last few weeks of doing work, and I am very much afraid that if we interrupt that habit by remaining away from the Senate it will materially interfere with our work here.

I repeat that I see no insuperable objection to a Senator going home if he wants to go, as he has been going heretofore. He can undoubtedly arrange for a pair with some Senator who feels at least that it is his duty to remain here in Washington at this time.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. TOWNSEND. Certainly.

Mr. ROBINSON. The Senator recognizes the fact that never under such circumstances will there be a quorum of the Senate present, and that all business that would be done would necessarily be done by unanimous consent? The business that can be done by unanimous consent and that ought to be taken care of in that way can be attended to very quickly after we come back here.

Mr. TOWNSEND. That may be true, Mr. President, but that is scarcely a valid objection to the suggestion that we perform our duty here in the Senate or at least attempt to do so during that time.

I should like to have this matter voted on by a roll call, in order that we may determine exactly how many Senators actually feel that it is their duty to go home at this time.

Mr. KING. Mr. President, will the Senator yield?

Mr. TOWNSEND. I yield.

Mr. KING. Mr. President, it was understood that this session would be devoted almost exclusively to the consideration of appropriation bills; indeed, a proper consideration of the appropriation bills will consume the entire time of the session. The House has been working upon appropriation bills. They will not be here until after the beginning of the year, so that if we should remain in session there will be but very little if anything for the Senate to do; and, as the Senator from Arkansas has said, what little is done would be of a unanimous-consent character, and we could take up matters coming under that category after the holidays as well as before. If the appropriation bills were here, then there would be very much merit in the position of the Senator from Michigan.

Mr. ROBINSON. Mr. President, will my friend the Senator from Michigan yield to me further?

Mr. TOWNSEND. I will.

Mr. ROBINSON. I wish to say that I have not the slightest sympathy with the suggestion that the good, old-fashioned custom which the Senate has heretofore pursued of observing appropriately the Christmas holiday season should be abandoned now in the extremity in which we find ourselves. There is not a reason in the world why a Senator who wants to act in pursuance of the old custom should put himself in the attitude of having consented that other Senators should bear the responsibility and discharge the duties of the Senate and that he should abdicate the same and take advantage of a vacation. I think the Senate ought to take an appropriate holiday, and that is the reason I have offered the order which I have presented.

Mr. TOWNSEND. Mr. President, an appropriate holiday, if we want to observe the holiday season, would be to adjourn on Friday night next until a week from the following Monday. That would cover the proper holiday season. While I sympathize with the Senators who would like to go home, even though they have just come from home, yet I realize the congested condition of the legislation before the Congress to-day.

Mr. ROBINSON. Mr. President, I ask if there is anything personal in that allusion?

Mr. TOWNSEND. Certainly not. The Senator knows what my answer would be before he asks the question. But in

reference to legislation, and to the statement that there is nothing before the Senate, and that we are going to do nothing but pass appropriation bills, that may have been a tentative understanding on the part of some, but we have already shown that we do not intend to follow that course. There are matters which have been urged upon us by the Executive which every Member of the Senate knows ought to be acted upon, and yet at the beginning of the session we propose to say that we shall take two weeks vacation.

Mr. ROBINSON. Will the Senator yield further?

Mr. TOWNSEND. I yield.

Mr. ROBINSON. Will the Senator be kind enough to indicate what matters he desires to act upon within the period of the holiday season?

Mr. TOWNSEND. One of them is the bill that is now before the other House. I do not wish to make any suggestions in the face of the positive statements which have been made by some Senators, but I have just been over to the other House, and it is very doubtful whether the bill to which reference has been made and which it has been stated is coming over here to-night is going to be voted on to-night. That is a question which will have to be given consideration. There are other matters; for instance, the nitrate bill, which Senators are so anxious to get a vote upon.

Mr. THOMAS. And which is now the unfinished business.

Mr. TOWNSEND. Yes; which is now the unfinished business of the Senate. Senators have been urging that it is a matter of extreme importance and ought to receive immediate consideration. If it is true that that bill is so important—and I think it is important—I do not believe that we are going to excuse ourselves to our constituents for our failure to act upon it at the earliest possible moment, because of the fact that we want to go home and spend the holidays and lose two weeks of the time of the session. Therefore if we are going to vote on the motion of the Senator from Arkansas, at the proper time I desire to ask for a roll call, in order to, place on record the action of the Senate upon it.

Mr. SMOOT. Mr. President, so far as I am personally concerned, I want to say that whether the Senate adjourns or whether it does not adjourn, I shall be here in Washington and shall have all that it is possible for me to do.

I think that with an adjournment there are a great many pieces of legislation that can be hastened. The Finance Committee will meet whether we are in session or whether we are not. The hearings on the measures pending before it will continue; and, so far as the Appropriations Committee is concerned, the District appropriation bill will come over; and the subcommittee having that bill in charge of course will be here and will consider that bill, and we hope that they will be ready to report when we come back.

If there were any legislation which could be hastened in any way by not taking an adjournment, even for a week, I would not want to adjourn, for I do not care now whether we adjourn or not; but there seems to me almost a universal feeling that we ought to adjourn for the holidays.

I discussed the question with a dozen or more of the Senators on both sides of the Chamber, and the legislative situation was such that all of them thought that those who really wanted to go could go, outside of the members of the Committees on Appropriations and Finance.

Mr. THOMAS. Mr. President, I am quite willing to agree to an adjournment for the holidays. We expected, I supposed, to do that. Some days ago I asked the leader of the majority, the Senator from Massachusetts [Mr. LOVELL], whether the usual adjournment for the holidays would take place this year. He said that it would not; that we would probably take an adjournment on Thursday prior to the 25th and reconvene on the succeeding Monday. I expressed my satisfaction with that arrangement, and I presumed that that was what the majority intended to do. I think it is what they should do. This, however, contemplates virtually an adjournment of the Senate, certainly a suspension of all the business of the Senate, for something over two weeks, or about two weeks.

I have assumed, and I think correctly, that the nitrate bill, which is now the unfinished business, was made the unfinished business because it was of great importance, at least in the opinion of those having charge of it and pressing it for consideration. If that be so, certainly the Senate can dispose of that measure, or ought to dispose of it, at least, between now and next Thursday afternoon. Hence, it will not do to say that the Senate has no business before it that can be done; and so far as the meetings of committees are concerned, the Senator knows very well that if the adjournment now proposed for the purpose of enabling Senators to go home takes place there can be no committee meetings.

Mr. SMOOT. I do not think it is going to be universal that Senators will want to go home.

Mr. THOMAS. I do not know why Senators, especially those living in adjoining States and at distances not too remote, should stay here if they are not going to do anything. I am inclined to think the Senator will have some difficulty, perhaps, even with his own committees. I know that the Senator from Utah will be here. He is here practically all the time. That goes without saying. But without reflecting at all upon anyone, it seems to me that those of us who stay here more constantly need less vacation than those who are not here quite so much.

Mr. SMOOT. Mr. President, I think the Senator from Massachusetts [Mr. LODGE], the leader of the Senate on this side, did intend that the Senate should adjourn on Thursday until Monday, as the Senator has said; but there were so many Senators who expressed themselves as desiring this adjournment that yesterday I called up Senator LODGE, who is ill at home, and asked him what he thought about the matter, and he asked me to consult some of the Senators upon this side and also upon the other side, and stated that if it was the consensus of opinion that an adjournment should be taken he had no objection to the adjournment. Of course, in offering the request, I offered it because I thought it was perfectly agreeable to Senators, and that there would be no objection to it; but I want to say that if there is any objection I do not want to have the Senate adjourn at all.

Mr. MCKELLAR. Mr. President, if the Senator will yield, I simply want to ask a question. In view of the very great importance of the War Finance Corporation legislation, and there being some doubt about whether it is going to pass to-night or Monday, ought we not to postpone any action about a program until after we know when that bill is coming back? I think it would be very, very unfortunate—

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. SMOOT. Yes.

Mr. ROBINSON. In view of the suggestion which the Senator from Tennessee [Mr. MCKELLAR] has made, and in view of the further fact that I am heartily in sympathy with the final disposition of the measure to which he has referred before a recess is taken, I withdraw my motion.

Mr. SMOOT. I thank the Senator. I asked the Senator to do that before, and I think it is the wise thing to do. Then, by Monday, we can decide just what to do.

Mr. President, if nothing else is coming up to-day, and if no other Senator has any business to present, I think the Senate ought to adjourn at this time.

Mr. SMITH of South Carolina. Mr. President, the unfinished business is a matter in which the senior Senator from Alabama [Mr. UNDERWOOD] is very vitally interested. I had intended to call up the bill this afternoon and let us begin its consideration; but in view of the fact that it is uncertain whether or not the Senator from Alabama will be back the first of the coming week, and in view of the further fact that we could hardly do much more this afternoon than have a preliminary discussion, I shall content myself with asking that it now be laid before the Senate, with a view to our taking such course as the Senate sees fit about further action on it.

Mr. ROBINSON. Mr. President, may I inquire of the Senator from South Carolina whether it is his purpose, in the event the Senator from Alabama [Mr. UNDERWOOD] is not here, to proceed with the consideration of the bill to which he just referred to its final conclusion before the holidays?

Mr. SMITH of South Carolina. I do not so intend, Mr. President.

Mr. ROBINSON. It is the unfinished business now. Nothing can be accomplished by bringing the matter forward now and pressing it; and that illustrates the force of the suggestion I made a moment ago.

I do not want to be absent from the Senate when that measure is considered and disposed of. I shall abandon my intention to return to my home in the South and remain here and assist in the completion of the bill, but I have felt, and I still feel, that we ought to reach a conclusion in the matter at the very earliest possible moment. In view, however, of the fact that the body at the other end of the Capitol will not dispose of the War Finance Corporation joint resolution this evening, I am willing to wait until Monday to determine this matter finally. Then I think we ought to decide whether or not we are going to proceed with the business of the Senate; and if Senators have determined that they are going to remain here during the holidays and exhaust the rhetoric of expression in the discussion of measures and not act on them, I shall still avail myself of the privilege of taking a brief holiday season, but if important

measures are to be disposed of I shall forego that pleasure and remain here.

Mr. SMITH of South Carolina. Mr. President, after consultation with several Senators who are very much interested in this legislation, I think that in view of the fact that the holidays are here and it remains the unfinished business, it should not interfere with whatever action we see fit to take about our recess, because I understand the Senator from Alabama [Mr. UNDERWOOD] would like to be present while the bill is under discussion. Therefore, until we finally decide what we are going to do about a recess, I shall not press the bill.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, December 20, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, December 18, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for the profound truths handed down through the ages in Holy Writ; for the brave men and women who have assimilated and essayed to live them in their daily life; for our fathers who conceived, resolved, and maintained a government of the people with their life and substance, and who gave us a Constitution which has challenged the admiration of thinking men throughout the civilized world; for the brave and patriotic men who have upheld and maintained that Constitution under our national ensign through all of its vicissitudes, maintained and upheld Old Glory from its inception to the present moment; for every true American who lives for our Government and stands for its protection. In the name of liberty, truth, and justice. Amen.

The Journal of the proceedings of yesterday was read and approved.

REPORT OF INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. SNYDER. Mr. Speaker, I desire to present the final report (H. Rept. 1133) of the investigating committee of the Committee on Indian Affairs, with certain recommendations, and ask that the same be printed.

The SPEAKER. Is it a privileged report?

Mr. SNYDER. It is a report of an investigating committee presented for printing under the rule, that is all.

Mr. GARD. If the gentleman will yield, is the report a privileged report and has to be introduced in this way?

Mr. SNYDER. This is simply for printing. I do not ask for any exceptions. The committee makes this report with certain recommendations based on the investigations we have been making for the past year.

Mr. GARRETT. The resolution directed a report, as I remember.

Mr. HASTINGS. Of course, it could be made through the basket.

Mr. SNYDER. Well, it is immaterial how it is made. I simply wanted to get it before the House and get it printed.

The SPEAKER. Did the resolution authorize the committee to report at any time?

Mr. SNYDER. It directed it to report before the end of this session.

The SPEAKER. Without objection, the report will be printed.

Mr. MANN of Illinois. Mr. Speaker, should not the report be referred to the Committee on Indian Affairs?

Mr. SNYDER. This is a report of the Committee on Indian Affairs from that committee. After the matter had been fully considered and ready to present to the House, and by instructions of the committee, I am presenting this here now.

Mr. GARD. Will the gentleman yield?

The SPEAKER. It seems to the Chair this could be reported from the basket.

Mr. CAMPBELL of Kansas. Could not the report be made by the Committee on Indian Affairs, ordered printed, and referred to the Committee on Indian Affairs? That is where the report belongs.

Mr. GARD. Will the gentleman permit a question?

Mr. SNYDER. Yes.

Mr. GARD. Is the report made by a special committee?